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1. 2022

1.1 March

46 Years of Practicing Law in Buckhannon and Upshur County (2022-03-25 20:13)

[1]



In 2020, I was asked by Anita Casey, Executive Director of the WV State Bar to do the Upshur County Article for the WV Lawyer Magazine. I politely declined because there are so many better historians and county experts, but she persisted and asked me to give it a personal twist.

So, having met this beautiful girl in August or early Sept. 1964, fallen in love, married and come back to raise a family and practice law, I wrote this, imbedded as a PDF.

(mine has a few more photos but otherwise the same article. Except I think the magazine credited Hunter Burton. :))

[pdf-embedder url="https://hunterlawfirm.net/wp-content/uploads/2022/03/Upshur-County.revised .12.19.20-1.pdf"]

1. <https://hunterlawfirm.net/wp-content/uploads/2022/03/Graduation.jpg>

When you Choose a Lawyer, Choose Well. (2022-03-22 12:52)

[1]

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When you choose a lawyer to help you resolve a serious injury claim, a painful family crisis, or a contentious "civil dispute", of course, you must choose well. And you hope to find the kind of

person who does right "even when no one's watching."

This sounds like a "no-brainer", and most potential clients will settle for reading the Google Reviews. This is a deeper dive into a man's career, values, and character. Sorry for the length, but it has been a long career.

Your lawyer needs to be bright, competent, and assertive, but even better is if he or she is also compassionate, sharing, and committed to serving his clients.

I was asked for this bio, on my mentoring of colleagues and clients and my service to my profession and my community several months ago. I share it now for your information. So **here is my story over 50 years.**

Burton Hunter III, professional bio:

(Mentoring and Contributing)

March 22, 2022.

Burton Hunter has been a lawyer for 50 years as of May 2022. He is a 1964 high school graduate of Linsly Military Institute in his hometown of Wheeling, a 1968 graduate of WV Wesleyan College in Buckhannon, and a 1972 graduate of the WVU College of Law.

Thereafter, Hunter served four years as a Captain in the US Air Force and **Assistant Judge Advocate (J.A.G.) at Griffiss A.F.B. in Rome New York and was awarded the USAF Commendation Award.**

RETURN TO CIVILIAN LIFE - SMALL TOWN TRIAL PRACTICE

He and his wife, Nancy Lynne (Goodfellow) Hunter, returned to Buckhannon, where they had met at their "Freshman Mixer", to raise their family and practice law.

Nancy has served as Burt's office manager for over 40 years.

WV STATE BAR

Recently, at the request of WV State Bar Executive Director, Anita Casey, Hunter authored an article published in **The WV Lawyer** magazine on Upshur County and his 40+ years of practice as a small firm lawyer and another on law office management and the transition to a "paperless office." Such things are a routine contribution that Hunter makes to his profession.

Hunter is a 25-year Board Member of the WV Trial Lawyers Association, now WV Association of Justice (WVTLA/WVAJ,) and a 40+ year member of "The Trial Lawyers".

Hunter recently concluded a 3-year term on the WV State Bar Board of Governors where he served as chair of the “**Future of the Law Committee**” and “**The Middle School and High School Video Competition Committee**”; subject, “Magna Carta”.

That year, applicants for the video competition increased from seven the previous year to thirty-three, with twenty-eight completed video presentations. He solicited "judges" from many fields, academic, legal, and professional writers.

PREVENTIVE LAW

Hunter has been mentoring others his entire career. As a young “JAG,” (USAF Lawyer) among many other duties, he was named the “**Preventive Law officer.**” That experience trained him in educating military member non-attorneys about the law and their legal rights and responsibilities and set the tone of his entire career.

He was assigned as mentor to a new JAG, H. Ray Starling, now Maj. Gen. Ray Starling USAFR, Ret. for whom he found off-base housing and training. That “mentorship” led to a lifetime friendship of the Hunters and Ray and his wife Pam.

The Cold War was still a “fact of life” in the 1970’s, and the newsreels showed USSR Parades on May 1 (Mayday) with thousands of troops in Moscow strutting and hundreds of nuclear weapons and their mobile carriers.

LAW DAY

So, America produced “Law Day,” and Hunter was assigned each year for four years to arrange the airbase **Law Day** celebration, of educating and commemorating our system of law and Justice.

MENTORING CHILDREN

So, it was natural that when Hunter became a civilian, in 1976, he would speak in local public-school classes, guide students in tours of the Upshur County Circuit Court courtroom, and even mentor students in “**The Trial of Goldilocks**” who, alas, was convicted each time.

COUNTY OFFICES

He also served as **President of the Upshur County Bar Association.** He and his former law partner, **Robert (Bob) Morris, Lewis County Bar President,** would organize joint bar dinners to celebrate the careers of retiring lawyers and involve the younger lawyers in camaraderie with members of their profession. They even brought in speakers like U.S. Dist. Court Judge Robert E. Maxwell, and hosted professional continuing education seminars and introduced online legal research to the Upshur County Law Library.

CHARACTER AND MENTORING YOUNGER LAWYERS

Burton Hunter respectfully suggests that **your lawyer’s character matters!** What your lawyer does "**when no one is watching**" is what he or she will do for (or to) you. Hire a "cheater" at your own peril.

When a new lawyer arrives in Buckhannon, the first time Burton meets her or him, he welcomes that person, offers to share all his law library, forms, checklists, and written office policies, and encourages that lawyer to call him with any questions and challenges.

PROFESSIONAL WRITING

Some do, some do not, but he is always ready to help. Usually, he gives the lawyer his book, "**Perspectives of a Small Town Lawyer**", available on Amazon.

BICYCLE SAFETY 'RODEO'

When **Norma Egnor, Executive Director of the WV Trial Lawyers Association**, asked, Hunter, always with the dedicated help of his wife Nancy and loyal staff, organized a "**Bicycle Safety 'Road-eo'** " and handed out free helmets.

With the help of local law enforcement and the town bicycle shop, he provided safety instruction on a marked course in the parking lot of his church.

PEOPLES' LAW SCHOOL

A major event in the Hunters' lives occurred with another call from his friend Norma Egnor, Executive Director of the WVTLA.

Norma asked if she could send him a packet of information sent to her by the Association of Trial Lawyers of America (ATLA) describing something called "Peoples' Law Schools."

This was during a time that powerful interest groups were demonizing trial lawyers. (They still are, worse than ever.)

Peoples' Law Schools were created, of course, to improve the image of lawyers, but also to educate the public on our system of laws, especially "civil justice." It seems that knowledge of our system of laws and our responsibility as citizens is waning, but I digress.

Hunter agreed to organize, publicize, and host a "People's Law School" in Upshur County, but, as always, "with his own twist."

There were eight to ten weekly classes of 2-4 hours, each on a *different* subject.

Hunter recruited members of the local bar to teach each module. The first year, the "school" had as many as 185 attendees and averaged 155. Burt and Nancy wrestled podiums into their van, created posters and signs, and begged, borrowed, but never stole, local venues for the schools.

The schools continued for five years, never averaging fewer than eighty-five students, including WVWC retired history professor, Robert Hunt, who had taught Burt in four history classes. Burt and Nancy's efforts earned Hunter the WVTLA "President's Award."

Then Norma asked Hunter to organize a “mock trial” Peoples’ Law School.

It was a “dram shop” case in which a drunken bar customer killed an innocent pedestrian with his car.

The judges of the “mock trial” were sitting WV Circuit Court Judges. Thomas Keadle and Booker Stevens.

The cases were well-trying, over two evenings, in under 4 hours, and the “jury” deliberated before a closed-circuit camera for the audience to view.

PROFESSIONAL AWARDS

Hunter, again with tremendous support by his wife, invested hundreds of hours in these endeavors and was “rewarded” by being appointed Chair of the WVTLA State “Peoples’ Law School Committee.” and receiving the WVTLA “President’s Award”.

[2]



He oversaw, at its peak, over twenty schools each year throughout the State, but none had the attendance figures of Upshur County.

He was then awarded WVTLA's "Member of the Year Award."

[3]



PRESENTING CONTINUING LEGAL EDUCATION

Hunter has, over the last 20 years, presented more than a dozen times on personal injury, litigation, family law, law office management, and law office technology to the WVTLA/WVAJ, the WVU College of Law CLE Series, and the Lewis/Upshur and Kanawha County Bar Associations.

INTERNSHIPS

West Virginia Wesleyan College had an ambitious program to encourage and give credit to high school and WVWC students for “internships,” and for a time BUHS sought “real job” training opportunities, so, over a

period of years, Hunter mentored and allowed students to “work” at his office, attend hearings, and be part of his “team,” usually 2-3 staff persons, in his **general trial practice**.

As he approaches the end of a long career, he is still asked regularly to accept interns. If he cannot, he still offers to take the student to lunch, make referrals to other lawyers, and even gives them a signed copy of his book.

BLOGGING

The material for his book comes from a project that Hunter began at the peak of the great financial crisis, a dozen or so years ago. During that grim and bleak time, **Hunter, who was then in his sixty’s, decided to “reboot” and commit himself to educate the public and change his profession**, which he perceives as being too “hidebound,” or resistant to change.

His writing in his blog also titled **“Perspectives of a Small Town Lawyer”**, [4]www.hunterlawfirm.net/blog, addresses subjects like insurance coverages, fundamentals of personal injury claims and litigation, a “legal checkup”, all aspects of family law, mediation, and a large component written for fellow, usually younger, lawyers on law office management and law office-related technology.

The blog is “fully searchable” by key word, and the content is “green” as they say on Google.

At last count, Hunter’s production is 488 articles and 1772 pages. He freely shares his articles and ideas with other lawyers, especially those new to the practice of law, with a hope to help them avoid mistakes he has made, which are many.

LAW OFFICE TECHNOLOGY

A “tech geek,” Hunter got his first Apple II personal computer and “NEC Spinwriter” impact printer in 1981 or two for \$7000! (\$20,000 today.)

COMPUTER FAIRS

Having got to know the owner of the Morgantown computer store, Hunter organized and hosted several “computer fairs” in Upshur County so that local people and children could experience the myriad things computers were capable of. Each “student” was provided his/her an Apple II to practice with.

During his last such “fair,” Hunter was called away by his wife who had just gone into labor, and their fourth child and only daughter, Laura, was born a short while later.

Laura’s Mother can confirm that her Dad, who dragged that 35 lb. computer case home every night, “mentored” all their children in the use of computers, sometimes of course with early computer games like “Oregon Trail”, Donkey Kong, and "Super Mario.

MENTORING STAFF

Finally, Burton Hunter has fortunate to have wonderful employees (most of the time).

On three occasions, he hired bright teenagers, just out of high school or attendees at two-year associate programs.

One he hired straight from high school and trained her, over twenty years, to become one of the finest paralegals in the State. When she left on short notice for perceived “greener pastures,” Burton regrouped and moved forward with Jamie and Letetia, neither of whom were yet twenty-one. It was a trial by fire, but they all survived.

20 years later, Letetia now exceeds what her predecessor had in skill and certainly in “people skills”.

If it is not apparent from this summary, Hunter admits to being a driven, or “Type A,” personality, but he also lays claim to having a good heart, passion, and his best trait, endless curiosity.

A strong advocate of the book “The Checklist Manifesto” by Atule Gawande, also the author of “Being Mortal and What Matters at the End,” Hunter is obsessed to “get it right.”

He has adapted a well-known case organizing tool to what he calls his “digging down system.”

Letetia’s children are “hired” to put together “digging down kits,” of forms and instructional materials in an accordion folder. Hunter gives a “digging down kit” to each client in contested cases, along with all appropriate forms and affidavits.

EDUCATING OUR CLIENTS AND MAKING THEM EFFECTIVE LITIGANTS

The metaphor for the ‘digging down system’ is a “three-legged stool” Hunter and his staff train clients to collect “puzzle pieces” (people, events, documents, photos, and the rest) that make up their case and then to make “lists” of questions, tasks, memory ticklers, and goals. Finally, the puzzle is completed with a detailed chronology or timeline.

LAW OFFICE TECHNOLOGY

The “document assembly” application, “Pathagoras,” authored and owned by Va. Lawyer, Roy Lazris, is used by Hunter and his staff for all pleadings and standardized documents, and a Dell and Microsoft Windows network is at the core of Hunter’s office operations, with Fujitsu ScanSnap scanners at every workstation, and a Toshiba Studio photocopier/scanner/fax as the office document center.

Whenever he encounters a young lawyer with potential, Hunter gives the lawyer a copy of his book and sends him or her an e-mail with links to his “best” ten to twenty blog articles and seeks feedback in the form of questions and criticism.

CIVIL AND FAMILY MEDIATION IN WV

A primary focus of Hunter’s practice is “alternate dispute resolution,” usually mediation but occasionally arbitration. Perceiving a need, Hunter approached Deb Scudiere, Chair of the WV State Bar” Alternate Dispute Resolution Committee,” who met with her committee and formed a subcommittee, “The Family Law Alternate Dispute Resolution Subcommittee.”

Alas, Hunter's goal to revise and make uniform the mediation process in family courts across the state has yet to be achieved, but he is still trying. He has written extensively on the subject.

PREPARING FOR THE FUTURE

As a "futurist," Hunter is acutely aware, "Change has never been as fast as it is now, and it will never be this slow again." (Author unknown).

He knows that no one who is entering the practice of law now will be able to spend 40 years with one tool such as the personal computer. He began with the I.B.M. Selectric Typewriter and the monster IBM Mag Card Word Processor, and he has had PCs for 40 years.

Young people now in school or just entering the job market, to be successful, will have to be fully educated, with a broad range of adaptable skills, as jobs will be changing by the year and even by the month. As a father of four wonderful adult children and six grandchildren, Hunter has the perspective that those who follow him need every bit of wisdom and help they can get. And that is what he tries to provide. He's had his chance. The future is theirs.

1. <https://hunterlawfirm.net/wp-content/uploads/2022/03/BurtTree2022-scaled.jpg>

2. <https://hunterlawfirm.net/wp-content/uploads/2022/03/Presidents.jpg>

3. <https://hunterlawfirm.net/wp-content/uploads/2022/03/Member.jpg>

4. <http://www.hunterlawfirm.net/blog>

Some Guidance for "Deliberate Intent" or "Industrial Accident" Claims (2022-03-01 17:40)

I am privileged to work with some of the finest lawyers in WV when dangerous working conditions result in injury or death to WV workers, and tragic loss to their families.

[1]Mine Site Accidents - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

[2]Oil and Gas Explosions - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

[3]What? Sue my employer? (Deliberate Intent) - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

[4]A Personal Injury Glossary: Negligence, Insurance, and the Rest - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

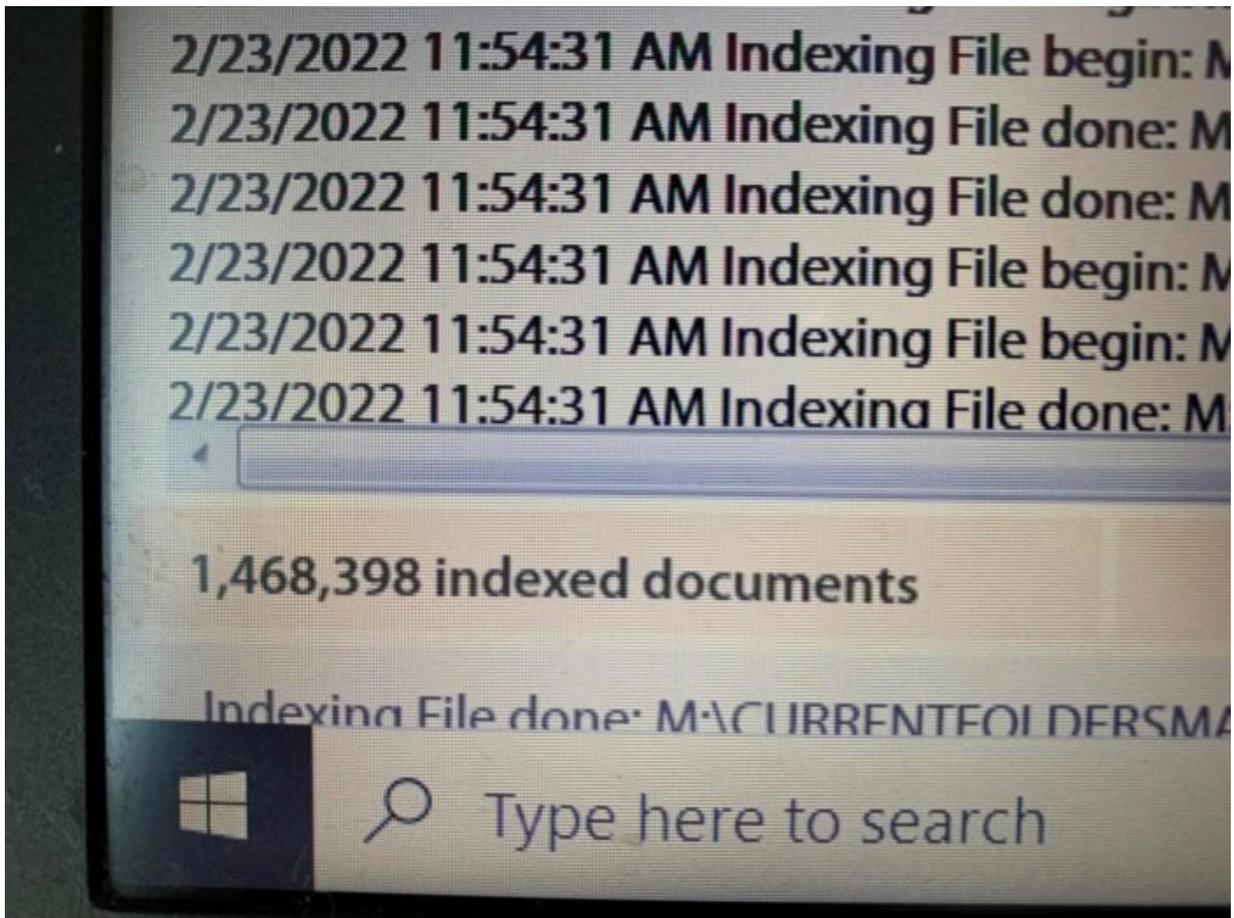
[5]A ROADMAP TO BURTON HUNTER'S IDEAS AND "WISDOM" - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

1. <https://hunterlawfirm.net/practice-areas/personal-injury/mine-site-accidents/>
2. <https://hunterlawfirm.net/practice-areas/personal-injury/oil-and-gas-explosions/>
3. <https://hunterlawfirm.net/what-sue-my-employer-deliberate-intent/>
4. <https://hunterlawfirm.net/personal-injury-glossery-negligence-insurance-rest/>
5. <https://hunterlawfirm.net/a-roadmap-to-burton-hunters-ideas-and-wisdom/>

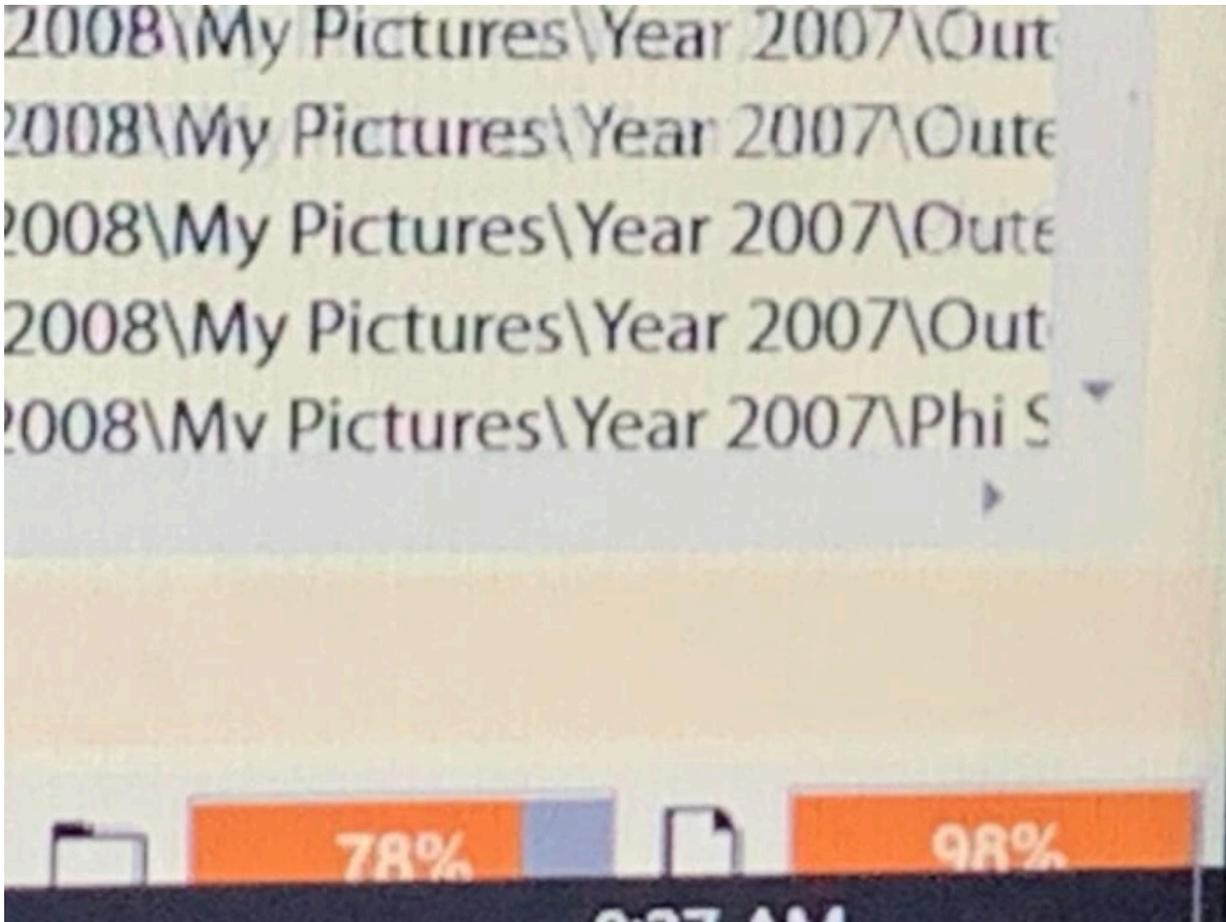
1.2 February

Copernic Desktop Pro (2022-02-25 01:35)

[1]



[2]



1. **Copernic Desktop Search Pro**": I am not sure I can recommend this to anyone, but I think it has endless potential.
2. I have known about this application for nearly 20 years and once I mistakenly thought it was a competitor to Google.
3. It is not. It is a search engine for your own personal computer including, if you can figure it out, your external hard drive.
4. I have had perhaps 15 external hard drives in my life and still have them sitting on a shelf or in a box.
5. But, each time I retired one, I added it as a folder onto my 5 TB external drive, and I then copy those files to a backup 5 TB external drive.
6. I am a little bit paranoid about losing stuff.
7. **I just finished indexing 1.5 Million Files!**
8. I don't know how many of you remember Napster which was a music-sharing platform that eventually got shut down. Think of it as a free Spotify, Pandora, or Apple Music.
9. At the time it seemed to be a miracle as you could download almost any song from any era in any version.

10. I remember writing to 100 friends on my email list, before Facebook, and soliciting each one's 10 favorite albums and 10 favorite songs most of which I downloaded.
11. John B Hunter
let me copy 6000 of his, and they are all on that one external drive as well as 500,000 photographs including many duplicates, and many of them cropped and "improved", but with the originals also.
12. Family archives, documents, great grandfathers' diaries, the whole works are there including cousin Lark's and others' family trees.
13. How will one be able to write a true biography of any productive person?
14. If I have 2 million documents just related to my humble life, imagine what famous people have, millions, even the guy who flushes his down the toilet. (that's a topical comment that will soon have lost its meaning.)
15. Lots of little nooks and crannies and, in some cases, secrets.
16. Yesterday I spent two hours trying to install this \$25 program, **Copernic Desktop Pro**.
17. Finally I wrote to them, and they had to unscramble my multi-layered mess as I had downloaded three separate Installs but simply could not open the zip file to find a license key.
18. Finally I got an email from their "real" contact person and now it has been at it for 16 hours indexing that one file which always must be placed in the same USB port.
19. If you want to store family photos and other things you have to have some way to search for them.
20. Windows search engine is getting better. Outlook's drives me nuts.
21. I think for most people Google Photos is absolutely ideal for photo storage because, with face recognition and object recognition, its search capabilities are powerful and you can have an album about every good friend, relative, and pet.
22. Warning, it can't quite tell the difference between our dog Cinca and the late, dearly missed, Duffy, and it will sometimes ask me whether my baby picture and a picture of Winston Churchill are the same person!
23. And be careful if you post 100 year old array of photos family photos with a baby with no drawers, Facebook will ban you for a month if you try that one. Don't ask me how I know that.
24. If you are a natural at organizing and saving, good for you. I will continue to struggle to find something that will work for me. For now, I am not giving up on **Copernic Desktop Pro**.

1. <https://hunterlawfirm.net/wp-content/uploads/2022/02/copernic2.jpg>

2. <https://hunterlawfirm.net/wp-content/uploads/2022/02/copernic1.jpg>

On Learning New Things: Video-casting and "Text to Voice" (2022-02-25 00:35)

[1]



When my wife and I go on a February "working vacation", we have just a few "rules":

1. We select a quiet beach, St. Simons Island, Jekyll Island, Amelia Island, Savannah, Charleston, S.C.. or Jacksonville or Myrtle Beach. We are there to unwind and appreciate one another.
2. For at least 6 hours a day, I "putter", online research, writing, projects, or video tutorials.
3. These are things that are hard to get to during a busy life; I have edited my book, renovated my website [2]www.hunterlawfirm.net; or just "recharged my batteries". I use professional meetings for such things, but it has been over two years since I've attended one in person, and online Zoom conferences are NOT the same.
4. After 3 years without much of a break, we slipped in a few days last fall at Ocean City Md. Great place, Dog friendly, so we took Cinca. This time, she's at her favorite kennel.
5. There I learned Techsmith's **Snagit**.
6. Just search YouTube for "Snagit" or "Snagit and Dotto", or "Techsmith", and you will find Steve Dotto and many sources to walk you through this amazingly simple screen capture tool and editor.

7. Using it and Powerpoint slides, I created a video on four very useful applications, below, the Pathogoras document assembly application, Microsoft To Do task list, Snagit Screen capture and editor, and Evernote Web Clipper.
8. Today I have explored two other applications:
 - (a) **Techsmith's Camtasia.** This is a big step up from Snagit, and it costs \$250. With fewer than 10 years left in my career, I'll probably pass, but if I were 40, I would master these Techsmith tools, as I did for those tools available "back then". Those were the tools that allowed me to keep my practice going for over 45 years. For me, Snagit should be sufficient, but perhaps if I retire, it will become a "go to" method for my memoirs and family genealogy research; and,
 - (b) **Google's "Speechify" App,** \$130/year, which reads out-loud e-mails and PDFs so you can "multitask" and "read" while you are walking or driving. Yep, another distraction in a distracted world.
 - (c) But, if you have a several-hour drive and a research paper or document or even book to read, it can be a Godsend. I selected Gwyneth Paltro's voice as my narrator.
 - (d) Currently, I am listening to the 68 page **"Manual for Guardians and Conservators in WV."**
9. Here below are some resources in case you care to get started. I recommend this for teachers, lawyers who have to present to courts or juries, bloggers, and "showoffs".

[3]



1. I would think creative people, authors, artists, musicians, and tech geeks would find Techsmith's products to be irresistible.
 - (a) **Steve Dotto on Camtasia, Snagit, and Techsmith Video Editor**, 18 minute video: [4]<https://youtu.be/J4qmgULureQ>
 - (b) **My first Snagit Video: "Four Cool Tools"** on Pathagoras, Snagit, Webclipper, and Microsoft's "To Do": [5]<https://hunterlawfirm.net/four-cool-tool-october-2021-for-research-presentations-organizing-and-planning/>
 - (c) **My second Snagit Video; Grandpa Hunter's "Our Amazing Solar System"**: 18 minute video (or fast forward to the 3 minute summary at the end) [6]<https://youtu.be/Dbx1LaBegAc>
 - (d) **Why Steve Dotto Switched from Screenflow to Camtasia**, 18 minutes: [7]<https://youtu.be/J4qmgULureQ>
 - (e) **Google's Speechify App Review**: [8]<https://youtu.be/t2Q0ssAV3mQ>
 - (f) **46 Minute Camtasia Tutorial: Keven Stratvert**: [9][?] [How to use Camtasia 2021 - Video Editing Tutorial - YouTube](https://youtu.be/t2Q0ssAV3mQ)
 - (g) These tools should help you become more creative, productive, and knowledgeable in our world of "accelerating change".
 - (h) **Remember: "Change has never been this fast, and it will never be this slow again."**

JBH

1. <https://hunterlawfirm.net/wp-content/uploads/2022/02/Multitasking..jpg>
2. <http://www.hunterlawfirm.net/>
3. <https://hunterlawfirm.net/wp-content/uploads/2022/02/Techsmith.jpg>
4. <https://youtu.be/J4qmgULureQ>
5. <https://hunterlawfirm.net/four-cool-tool-october-2021-for-research-presentations-organizing-and-planning/>
6. <https://youtu.be/Dbx1LaBegAc>
7. <https://youtu.be/J4qmgULureQ>
8. <https://youtu.be/t2Q0ssAV3mQ>
9. <https://www.youtube.com/watch?v=b24MrdQX6zM>

1.3 January

A Compendium of Personal Injury Writings: NOT What You Think. (2022-01-17 13:39)

[1]



Much like cancer or heart disease, you hope it will never happen to you or those you love. But, if it does, don't compound the experience with ignorance. Save this in Evernote or your own cloud note storage, or come to my blog and search "personal injury"; [2]www.hunterlawfirm.net/blog

1. **[3]Not The Normal Personal Injury Blah Blah - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
2. **[4]Personal Injury Claims: Five Myths - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
3. **[5]Dear Personal Injury Client: Points to Remember - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
4. **[6]What Does a Personal Injury Lawyer Do Anyway? - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
5. **[7]30 SIMPLE FACTS ABOUT YOUR PERSONAL INJURY CLAIM - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
6. **[8]Personal Injury Client Misperceptions - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**

7. **[9]Why Should I Retain Burton Hunter For My Personal Injury Claim? - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
8. **[10]A Personal Injury Glossary: Negligence, Insurance, and the Rest - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
9. **[11]SOME PERSONAL INJURY TRIAL PRACTICE TIPS - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
10. **[12]The Framework for a West Virginia Personal Injury Claim - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
11. **[13]Preparing to Meet with Your Personal Injury Attorney - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
12. **[14]Then and Now for a Personal Injury Attorney - Slip and Fall - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
13. **[15]Breaking Up With Your Personal Injury, Divorce, or Civil Lawsuit Lawyer - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
14. **[16]Personal Injury Urban Myths - The Phonebooth - The Other Side of the Story. - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
15. **A Personal View of How to Find the Best Lawyer - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
16. **[17]Suggestions for Operating and Marketing A Small Firm Efficiently and on a Budget - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
17. **[18]If I Could Know Only Ten Critical Things About My Serious Injury Claim, What Would They Be? - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
18. **[19]Comparative Fault in WV - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
19. **[20]A Curmudgeon Family Lawyer's View of Parenting - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**

Three on Insurance Coverages:

1. **[21]Buy a \$1,000,000 Umbrella! - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
2. **[22]Various Insurance Coverages - Limiting the Loss - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
3. **[23]Auto Insurance Roulette: Is it Worth the Gamble? - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**

1. <https://hunterlawfirm.net/wp-content/uploads/2012/03/VintageOffice2.jpg>
2. <http://www.hunterlawfirm.net/blog>
3. <https://hunterlawfirm.net/not-the-normal-personal-injury-blah-blah/>
4. <https://hunterlawfirm.net/personal-injury-claims-five-myths/>
5. <https://hunterlawfirm.net/dear-personal-injury-client-points-to-remember/>
6. <https://hunterlawfirm.net/what-does-a-personal-injury-lawyer-do-anyway/>
7. <https://hunterlawfirm.net/30-simple-facts-personal-injury-claim/>
8. <https://hunterlawfirm.net/personal-injury-client-misperceptions/>
9. <https://hunterlawfirm.net/why-should-i-retain-burton-hunter-for-my-personal-injury-claim/>
10. <https://hunterlawfirm.net/personal-injury-glossary-negligence-insurance-rest/>
11. <https://hunterlawfirm.net/some-personal-injury-trial-practice-tips/>
12. <https://hunterlawfirm.net/the-framework-for-a-west-virginia-personal-injury-claim/>
13. <https://hunterlawfirm.net/resources/personal-injury-tools/preparing-to-meet-with-your-personal-injury-attorney/>
14. <https://hunterlawfirm.net/then-and-now-for-a-personal-injury-attorney-slip-and-fall/>
15. <https://hunterlawfirm.net/breaking-up-with-your-personal-injury-divorce-or-civil-lawsuit-lawyer/>
16. <https://hunterlawfirm.net/personal-injury-urban-myths-the-phonebooth-the-other-side-of-the-story/>
17. <https://hunterlawfirm.net/suggestions-for-operating-and-marketing-a-small-firm-efficiently-and-on-a-budget/>
18. <https://hunterlawfirm.net/if-i-could-know-only-ten-critical-things-about-my-serious-injury-claim-what-would-they-be/>
19. <https://hunterlawfirm.net/comparative-fault-in-wv/>
20. <https://hunterlawfirm.net/a-curmudgeon-family-lawyers-view-of-parenting/>
21. <https://hunterlawfirm.net/buy-a-1000000-umbrella/>
22. <https://hunterlawfirm.net/various-insurance-coverages/>
23. <https://hunterlawfirm.net/auto-insurance-roulette-is-it-worth-the-gamble/>

2. 2021

2.1 December

Ten of My Best: Happy New Year 2022 (2021-12-31 17:39)

[1]



[2]A Curmudgeon Family Lawyer's View of Parenting - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

My prayer for 2022 (from my prayer for Independence Day 2014): [3]My Prayer for Independence Day

2014 - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

[4]THE SECRETS TO "WINNING" CUSTODY OF YOUR CHILD - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

[5]THE SECRETS OF WINNING, Number II - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

[6]So You Have Your (Child Custody) Agreement: Now What? - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

[7]YOU HAVE YOUR COURT APPROVED PROPERTY SETTLEMENT AGREEMENT: NOW WHAT? - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

My blog has 130 "hits" for the term mediation, enjoy: [8]You searched for mediation - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

Several good reasons why you don't want a trial and don't ever want to have to return to court! [9]Civil Litigation 101 - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

Parents' behavior: [10]Divorce Does Not Ruin Children, But Parents' Behavior Does - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

[11]Lessons From Hatfields & McCoy - Perpetuating the Fight - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

And, tying it all together, here's #11 for good measure! [12]<https://hunterlawfirm.net/2018-revised-digging-organizing-preparing-case/>

1. <https://hunterlawfirm.net/wp-content/uploads/2021/09/1.cincaburtpic2.jpg>
2. <https://hunterlawfirm.net/a-curmudgeon-family-lawyers-view-of-parenting/>
3. <https://hunterlawfirm.net/my-prayer-for-independence-day-2014/>
4. <https://hunterlawfirm.net/the-secrets-to-winning-custody-of-your-child/>
5. <https://hunterlawfirm.net/the-secrets-of-winning-number-ii/>
6. <https://hunterlawfirm.net/so-you-have-your-child-custody-agreement-now-what/>
7. <https://hunterlawfirm.net/court-approved-property-settlement-agreement-now/>
8. <https://hunterlawfirm.net/?s=mediation>
9. <https://hunterlawfirm.net/civil-litigation-101/>
10. <https://hunterlawfirm.net/divorce-does-not-ruin-children-but-parents-behavior-does/>
11. <https://hunterlawfirm.net/lessons-from-hatfields-mccoys/>
12. <https://hunterlawfirm.net/2018-revised-digging-organizing-preparing-case/>

Civil Litigation 101 (2021-12-28 21:29)

[1]



CIVIL LITIGATION GENERALLY

1. My trial practice is primarily "civil" in nature. What are some examples of "civil litigation"?
2. In family law, it can be a divorce action, or, when the parents are not married, "allocation of parental rights" (aka "paternity suit"); or, an adoption, or contempt, or modification of a prior court order such as child custody, or child support, or alimony.
3. When there is an alleged personal injury or civil wrong, it can be a suit over a car wreck where the insurance company won't pay a fair settlement, or a dispute over the validity of grandpa's will, or a boundary-line or right-of-way dispute between neighbors.
4. A civil claim can also result from an industrial accident or alleged unjustified refusal of an insurance company to pay its own insured's valid claim (called a "first-party insurance bad faith claim").
5. A civil suit or claim is separate from a criminal charge, like murder or robbery, or administrative proceedings, like workers' or unemployment compensation or Social Security claims.
6. In most civil matters, mediation is an invaluable "alternate dispute resolution" tool. Mediation is usually quicker and cheaper than a trial. For more information on this topic, you may search for "**mediation**" at [2]www.hunterlawfirm.net/blog .
7. Most of my personal injury matters don't require me to file a suit, as I work with an insurance adjustor, but most family court matters start with a petition. I wish more people would come to be before it comes to that.

8. When I was a student, we had a course named “**Civics**”. I think it was a chance for the teacher to go over the basics of government, politics, and legal matters. I learned something called “civic duty”, a term that seems lost to our “modern” ears.
9. I respect working people. All labor is honorable, but I am startled by how many people don’t understand the basics of our legal system. Many of them lack knowledge and lack the tools for organizing and summarizing essential facts.
10. I have been told I am a good teacher. My clients seem to appreciate that we take time to teach them:
 - (a) How the legal system operates;
 - (b) How they can gather and sort the “puzzle pieces” that make up their case; and,
 - (c) How to act toward their opponent and the Court and perhaps solve their dispute in an “alternative” way.
11. I deal with “organizing” your case elsewhere in his revised description of my “digging down system”. [3]2021 Revised: Digging Down - On Organizing and Preparing Your Case - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)
12. This article will discuss three subjects:
 - (a) Our “**adversary system**” of civil law and something called “**pleadings**”.
 - (b) Our **methods of getting information** from the “other side” and sharing out information with our adversaries. **That is called “discovery”**.
 - (c) The official way **a court “speaks” is through its “orders”**.

13. Here goes!

14. **PLEADINGS AND OUR ADVERSARY SYSTEM**

15. I have read that there was a time that if a drunken farmer rode his horse through town and killed a person’s family member, that person was entitled to kill a family member of the drunken farmer. In theory, that was better than having a war between towns, clans, or tribes.
16. Eventually an “adversary system” developed in which one side, the “plaintiff” or “petitioner”, filed in court and served on another a suit or action and a paper containing numbered accusations or allegations. These paper filings are called “pleadings”.
17. Pleadings can include sub-pleadings called motions, motions to dismiss, motions to enjoin behavior, or motions to permit certain actions such as keeping certain evidence away from a jury or court. That is called “excluding evidence”.
18. This post will not discuss the jury system because the main pillar of my practice is family law which has a judge presiding but no jury. If the jury is your subject of inquiry, I just searched my blog, paragraph 6. above, for the term “jury” and got 175 “hits”, so go for it!
19. The person being sued (the defendant or respondent) has 30 days to reply and admit or deny the accusations against them.
20. All of this is governed by “rules”, **The WV Rules of Civil Procedure, The WV Trial Court Rules, WV Rules of Evidence, WV Family Court Rules, and Rules of Appellate Procedure, to name a few.** The existence of these rules is a great reason not to try to be your own lawyer.
21. If the Complaint or Petition fails to allege proper venue, or jurisdiction, or a claim that that the court can grant, one can file a “Rule 12b Motion to Dismiss” on the pleadings.

22. Another Rule, 56, allows the defendant to attach affidavits and other supporting documents, maps, articles, or recorded documents such as deeds or wills, and move to dismiss because there are no seriously contestable facts.
23. Judges are reluctant to grant those motions, without giving the case to a jury, because our WV Supreme Court of Appeals tends to grant such appeals more than appeals backed by a jury's verdict.
24. Along the way, parties often file motions to make the other side respond to discovery, to limit "in limine" inadmissible evidence, or to direct a verdict at the end of the trial, or to overturn the jury's decision.
25. All of the above are driven by deadlines and penalties for missing the deadline. I cover that somewhat in the next section
26. **DISCOVERY**
27. Rules of Civil Procedure 26 through 37 cover "**Discovery**". "Discovery" is often tedious. And it can be expensive.
28. First, counsel must gather a "history" from her or his own client and formulate questions (**interrogatories**), **requests to produce** documents and evidence, **requests to inspect** property or premises, **depositions under oath** before a court report or videographer, and "**requests for admission**" of matters critical to the outcome of the case.
29. A failure to deny timely a request for admission means that fact is deemed to be admitted by the Court. That is a BIG deal!
30. The granting of the right to pursue discovery in Family Court beyond basic financial disclosure is discretionary by the Court but is usually granted.
31. Discovery is governed by **Rules 26-37 of the WV Rules of Civil Procedure, As Amended**.
32. Our office uses a standard letter to our client explaining discovery, cheering them on, since it actually helps us prepare our case, and puts out a timeline for us to get complete responses timely filed.
33. Depositions are too expensive for most of our family law cases, and judges won't allow the taking of deposition if the real goal is to wear down the other side.
34. The attorney who gives serious attention to discovery is the attorney you want on your side.
35. **ORDERS**
36. Most courts have a standard **scheduling order**. Once the other side is served, by process server or certified mail, the scheduling order is sent out. It is a form order, prohibiting certain behavior such as social media posting, requiring a "divorce parenting class" for people filing in family court, and perhaps timelines for discovery, mediation, etc.
37. Some of these things may be deferred to an actual "scheduling hearing".
38. Family law cases may begin with a domestic violence filing, a routine petition and motion for temporary relief (child support, alimony or possession of a house or car.), or a motion for expedited or emergency relief.
39. One rare order comes from a **motion or petition for "ex parte relief"**; that is, an order entered before any evidence is taken. It could be entered to prevent someone from leaving WV with a child or other urgent matter where "irreparable harm" is likely if the motion/petition is denied.

40. With unrepresented or “pro se” litigants, the Court often prepares the order. When there are lawyers, the court usually assigns the lawyer for the party who prevailed in what she or he was seeking.
41. Most orders have three parts:
 - (a) The “appearances”, showing who appeared, how (in person, by Microsoft Teams, or by phone), how the hearing had been set and noticed, and what happened a first. It might be questions by the Court, “a discussion” among the court and counsel, a “proffer” (offer of proof) in an oral statement by the lawyers, etc.
 - (b) The order must then show the court considered everything presented, and the “**findings of fact**” and resultant “**conclusions of law**” that the Court determines to be true.
 - (c) Last, the order must “order” something clear and specific.
42. **I believe there are two critical components to preparing an order assigned to counsel by the court;**
 - (a) **Accuracy**, which for me means dictating the order from my car or conference room, while events are clear in my mind, and honesty; and
 - (b) **Honestly**, this means you don’t load an order up with lots of inferences that you wish that the court has made or asides that aren’t really part of an order.
43. I admire the lawyer with meticulous handwriting clarity and speed, or photographic memory. But my cramped left-handed writing and slightly dyslexic take on things mean that the sooner I speak into the “**Dictamus App**” on my phone and hit “send” the better.
44. My practice is to order the CD recording of **every hearing immediately following the hearing**. This is the way a lawyer can “win” a dispute over what was said and by whom.
45. **A Rule 22 Notice** of order gives the other lawyer/party just 5 days to object to or correct and order.
46. I have watched the rapid evolution of facsimile transmission and now e-mail. It is embarrassing to “copy to” the wrong person, especially the judge, or “auto-til” to some other lawyer’s “receptionist”, but the benefit of being a rapid responder and initiator of e-mails is tremendous. I nudge cases along, sometimes inch by inch with frequent e-mailing, and copies to my staff so we stay on the same page
47. After the introductory language, findings, and conclusions, the order must communicate the court’s ruling in a clear and concise manner; the date child support or alimony begins, the date they end, the property that one is to receive, or the money judgment awarded, must be clear and be precise.
48. **A final order must release counsel from further responsibility, make it clear that it is “final”, and set out the appeal deadline.**
49. Most orders are public, but they can be “sealed” for various reasons, such as medical confidentiality, or protection of children or other innocent persons.
50. **IN SUMMARY; we have a “adversary system” with petitions, complaints, and motions as the pleadings; we gather and share information and evidence in “discovery”, and the courts run the show from beginning to end with Orders! If you understand that, you get three out of three, a perfect grade!**

1. <https://hunterlawfirm.net/wp-content/uploads/2020/04/StSimons.jpg>
2. <http://www.hunterlawfirm.net/blog>
3. <https://hunterlawfirm.net/2018-revised-digging-organizing-preparing-case/>

A Curmudgeon Family Lawyer's View of Parenting (2021-12-24 16:47)

[1]



I'm mad! This is my 49th Christmas as a lawyer, and I am royally pissed-off. "Why?", you ask? I'll tell

you.

The world is filled with mediocre and bad parents; even ones who love their children are often “p-poor parents”.

I see it every hour of every waking day. Most of my clients are open to my guidance. I love that. They think they are getting a legal “mouthpiece”, and I try to deliver more, from this perspective of nearly 50 years’ lawyering (75 on this earth), parenting, and almost 20 years of grandparenting.

A good parent:

1. Loves, nurtures, pays attention to, feeds (proper food in proper proportions), clothes, shelters, and trains their child, with firm, loving, discipline.
2. Note; With our corrupt food production and distribution system, this is a huge problem for parents, especially the working-class dads who rely primarily on fast-food to feed their children, a form of child neglect and abuse. Understanding nutrition, diet, and the dangers of "The American Diet" is a time-consuming, difficult, process. Most of us just give in.
3. These services and devotions are supposed to be “a given”, but in this world of shallow thinking, a superficial culture, and with most religions unable to cope with rapid change and the reality of science, adrift on matters of moral and ethical importance, what is a parent to do? **Especially the millions who didn’t get what they needed from their parents?**
4. I think good parents must also do everything within their power to educate their child and promote that child’s **wonder and curiosity**.
5. That means NOT to allow them to stare hour after hour into a “device” without careful adult supervision and guidance.
6. In my day, a “device” was called “a book”. My parents really didn’t know much of what I read, but they were confident that “the bookmobile”, a rolling library that showed up at Park View Grade School a couple of times a week, would steer me wrong. It didn’t.
7. T.V. arrived in my world early on, when I was four. That movie where Gila Monsters were turned into dinosaurs, chasing cavemen, enthralled me. There was one channel at first, KDKA Pittsburgh, and never more than 3 thereafter. Only later did I learn how few cave people their were in the time of dinosaurs!
8. My parents were not readers and scholars, but they sure exposed me to resources that were. I have written about my organizations and schools elsewhere. [2]The Formative Effect on a Country Boy of the 4-H Clubs in Ohio County, WV in the ‘50’s and ‘60’s - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)
9. The mindset that education ends for a parent the last day they walk out of school is wrong, wrong. We should be lifetime learners, and never from a source with “an agenda” whether that agenda is political or doctrinaire religion.
10. If you have read the biographies and autobiographies of great people who moved far above expectations, sometimes, like Abe Lincoln, it looks like he did it himself. He was a brilliant “auto-didact”. But someone got those 12 books and put them in their log cabin and instilled some values.

11. But, often, a parent with little or no education wanted more for their children than they had and pushed them to succeed and exceed what our “class system” had for them.
12. Not everyone is a Fredrick Douglas, but, even then, the “master’s” wife taught him the alphabet before her husband (then her “master”) shut her down and told her there would be hell to pay if “...niggers ever learn to read and write!”. (Douglas then got neighborhood white boys who were attending school to “translate” words for him. That’s how he taught himself to read and write.) I commend to you his short autobiography.
13. Perhaps I’m not the one to say this, but parents need to model good behavior. They must refrain from cursing around the kids, moderate alcohol use, absolutely no improper drugs, respect for other adults, especially mother or father, and even if no longer together; **especially** if they are no longer together.
14. I am struggling with my lifetime belief that boys need a father who fulfills and lives the “manly ideal” and girls model their mothers’. I think I am going to go back and read Ursula L. LeGuin’s “Left Hand of Darkness” where there are no longer genders or sexual taboos. [3]<https://ryanyarber.com/2020/07/30/beyond-gender-exploring-ursula-k-le-gu-ins-thought-experiment-in-the-left-hand-of-darkness/>
15. Teach your children what you know. If you know how to think, study, learn, and read, great! If you don’t, try to get better at it! And not by watching Sean Hannity or Tucker Carlson. They aren’t “role models”. I abhor dishonest people of all stripes.
16. If you can tear down and build back an engine, do that.
17. If you can catch a wary trout, do that. Or even a Bluegill with a worm or popper, teach them that!
18. If you can cook the fluffiest souffle, do that.
19. I hesitate to say it, but if you are the best monopoly or poker player on the planet, share that. And make the child listen over and over to “The Gambler” by Kenny Rogers.
20. If you are an artist, craftsperson, musician, chess player, or athlete.....duh!!
21. Remember, the partner to curiosity is creativity! For good measure, marry them to passion!
22. And, using my beloved Mother and Wife as my highest examples, give something that I was NOT good at, **your TIME, and YOUR PATIENCE**. Those wonderful women could/can do puzzles and board games by the hours, read, listen, and play. It was in their DNA, but it taught me what “to mother” a person is all about.
23. My point? **You are going to be one of the most important influences in your child’s life, if not THE most important.**
24. If you are a mindless drudge with no purpose or motivation, your child will have to be a genius to overcome that.
25. Your goal should be for your child to fulfill her/his every potential.
26. **Don’t blow it! Think!** Don’t live in a manipulated world. Fight back. Learn! Study! Think! Fight for honorable things. Don’t follow every trend. Don’t buy into, “Me,Me, Me!”
27. How many tattoos are too much? Four.
28. How many sex partners before you settle down? 2.....or 3 if you can manage that. But always responsibly, never intrusively, always with the deepest appreciation to the person who would grant you that privilege. “NO” means NO, even if are sure it means “Yes.” Perhaps it means, “Maybe later.” Be ok with that.

29. "Settling down" means one partner, for life, even on the Internet. I just heard the term "non-monogamous marriage"; that was called "Open Marriage" in the '70's. If you are one of 12 people on the planet who can manage that, go for it.
30. Important note: marriages and relationships fail, especially in a society like ours. If it ends, so it gently and sensibly, and when you try again, use your head and your heart.
31. **If you don't have curiosity**, at least see it as a "non-veggie" person sees spinach or kale. **It's good for you!**
32. **So, promote and pursue life with curiosity,**
33. **HOW else will you pass it on to your children? Answer? You won't!**

I'm tired. But this is what I believe.

1. <https://hunterlawfirm.net/wp-content/uploads/2021/03/1Horton.jpg>
2. <https://hunterlawfirm.net/the-formative-effect-on-a-country-boy-of-the-4-h-clubs-in-ohio-county-wv-in-the-50s-and-60s/>
3. <https://ryanyarber.com/2020/07/30/beyond-gender-exploring-ursula-k-le-guins-thought-experiment-in-the-left-hand-of-darkness/>

A Legal Blog: Perspectives of a Small Town (WV) Lawyer (2021-12-01 21:36)

[1]



I wrote my first blog article in 2008. Then I rested.

A year later, as we regrouped from the "great recession", I began to publish what I know:

- 1. Tips in Law Office Management.**
- 2. Personal Injury Law and Practice.**
- 3. Family Law and Related Topics.**
- 4. The "Ins and Outs" of Civil Litigation.**
- 5. Law Office Technology.**
- 6. Forms, Checklists, Top Ten Lists, and My Personal Methods.**
- 7. My Insights Into Politics, History, Philosophy, Science, and Personal Fulfillment.**
- 8. Insights into Civility, Collegiality, Alternate Dispute Resolution (Mediation/Arbitration), Innovation, and Future of the Law.**
- 9. Social Media Marketing, Advertising, and Community Involvement**

The blog initially had two titles, "Perspectives of a Small Town Lawyer" and "WV Lawyer: Tips and Techniques".

Now it is one blog, "Perspectives of a Small Town Lawyer", which is also the title of my book of 300 pages, published to Amazon Kindle and Paperback.

The blog is over 1700 pages and 450 articles of "Green Content ", available to you for free and fully searchable! Just pick a keyword or phrase and search for your topic.

www.hunterlawfirm.net/blog

This table of contents (below) is reversed, with my newest post listed as the first item in the Table of Contents. But I post regularly and only update the table of contents yearly, so be sure to subscribe to my blog!

We also have a professional, "J. Burton Hunter III", YouTube Channel. [2]J. Burton Hunter III & Associates, PLLC. - YouTube ,

and a "HunterGrandchildren 2022" YouTube Channel. [3]HunterGrandchildren2021 - YouTube

Many of my articles link to those videos.

Call with any questions: 304 472-7477 ; or e-mail us at hunterjb@hunterlawfirm.net .

[4]

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1. 2021

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2. <https://youtu.be/Dbx1LaBegAc>

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2. <https://www.youtube.com/channel/UCiH68bxdkje-b4NSQ6mAtgQ>
3. <https://www.youtube.com/channel/UCvt6Rfy7R50N-gUrV7ZyslG>

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2.2 November

WHAT ARE THE “RIGHTS” OF UNMARRIED PARENTS? (2021-11-18 21:54)

[1]



Recently I was asked about the “rights of an unmarried father”. An answer to that question must include reference to two other issues, the “rights of the unmarried mother”, and, generally, the property rights, vis-à-vis one another, of people who decide to reside together without marriage.

An unmarried couple that splits up will not fall within the jurisdiction of the Family Court if they want to divide their property. They **will not** have the benefit of the “equitable distribution” statute that protects married persons. [2]<https://hunterlawfirm.net/equitable-distribution-wv-divorce-property-law/>

The URLs contained within this article reference my other writings related to these subjects.

Two people can pool their resources and acquire vehicles, houses, personal property, and even cash, but when things get nasty, and they part ways, they either have to figure it out for themselves or seek help in Magistrate Court or Circuit Court.

Most people can’t afford a lawyer for these cases, and usually, the person the property is titled to gets that property. So, there’s one argument for marriage! The issue of prenuptial agreements is outside of the scope of this article.

The simple fact is that being married is the way you acquire wealth together. Living together without marriage is usually very unfair for one of the parties.

Let us return to the subject my questioner posed. “What happens when the unmarried parents of a child can no longer live together?”

Initially, this depends on the nature of their problems and the extent of their hostility or impairment. Some do it peacefully and civilly, but often they will go to law enforcement or the magistrate seeking assistance. And often they will be sent to a nonprofit agency, quasi-governmental, that focuses primarily on domestic violence such as "Hope Incorporated" or "Women's Aid in Crisis" for help in filing a domestic violence petition. That's not a good way to start to learn co-parenting.

The unmarried person seeking assistance, since they cannot file for a divorce, will learn that the domestic violence law is the primary tool to deal with immediate breakups and that there are primary components which I will briefly describe as inflicting physical harm or threatening to inflict physical harm, holding one against one's will, sexual assault, or a pattern of behavior causing the other person to feel threatened.

We have all heard the "old saw", ***"If the only tool you have is a hammer, every problem looks like a nail."*** So, many domestic violence filings are primarily power moves to gain an advantage in the custody matter. Call it, "The law of unintended consequences."

Domestic violence is a terrible societal problem, and many petitions filed are valid, even essential.

But why is there no "domestic squabble law" allowing the magistrate or the Family Court to settle immediate problems such as who gets the car, who gets primary or coequal time with the children, etc?

Such a law would allow a "no unwanted contact" restraining order where the Court would not have to find domestic violence but would require the parties to leave each other alone, refrain from posting to social media, and would give them a temporary framework to share their child or children until the initial hearing.

Alas, no such law exists other than a rarely used procedure called an "Ex Parte Petition or Motion ". There is a form for such motions produced by the West Virginia Supreme Court administrative office, and available in the circuit clerk's office, but usually a lawyer is needed to obtain emergency relief without an evidentiary hearing.

As I find myself "wandering into the weeds", let me refer you to a recent article I wrote on child custody: [3]Child Custody in WV: an Update of "The Maze" - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

Unmarried parents will usually have to follow procedures requiring the filing of a "Petition For Allocation of Parental Rights", formerly known as a "Paternity Suit".

At the very beginning of my career "paternity suits" could be "slugfests" over who had sex with whom, when, and how often, and was a virtual invitation to lie.

I recall one case in which my client was the fourth person the welfare recipient mother had accused of being of the father. Bingo!

In one whirlwind week, the blood grouping test results arrived, mother's children were removed from her home because of the domestic violence situation unrelated to my client, and he found himself calling his mother and asking her to pick up a bassinet at the local Heck's Department Store and other baby things because the state had just given him his new baby.

Happily, the man got married and his new wife adopted the child. Sadly, I later represented him in the divorce. Such is life. Remember that **an unmarried parent can still be a great parent if they want to.**

Now that DNA testing is a swab on the inside of the cheek, it is cheap and efficient, so the drama of “he said, she said” is over.

As I mentioned in the above-referenced article, the court no longer strictly attempts to impose on the parties a caretaking sharing similar, if not identical, to what they did prior to their separation. Sometimes, of course, they never actually were an intact couple residing with their child.

It is enough to say, for the purpose of this article, that the court will attempt to put together for the parties a parenting plan in which they will share responsibilities of time with the child or children, decision-making, and access to records in a fair and equitable manner, consistent with the welfare and best interest of that particular child.

If the parties or their counsel cannot work things out, **the parties can expect to be sent to a trained “family court mediator”, on the court’s mediators’ list**, and, more often than not, they will negotiate a parenting plan that the mediator will draft and submit to the court for approval. Parties with lawyers can even send in their parenting agreement and agreed final order without attending another hearing!

What is the cost of such an experience? I ask in return how much does a car cost? It depends on the options. Cases involving physical, sexual, drug or alcohol abuse can cost thousands of dollars including the appointment of a lawyer for the child called a “Guardian Ad Litem.

So the honest answer is somewhere between 1000 and \$10,000. Because I am very reasonable in my billing, my fees are usually between \$1500 and \$5000.

I use my nearly 50 years of experience in representing individuals, thousands in Family Court matters, to provide guidance to my clients and even to the other litigant on ways to collaborate, put the child first, and “win” the child custody case by following, “The Golden Rule”, all the while keeping in mind that these children must be raised by these parents and that their future, their children’s future, and children “all the way down” will benefit or suffer depending on how good of a job my client and I and our “adversary” do in order to manage this difficult challenge. ***I’m up for it if you are!***

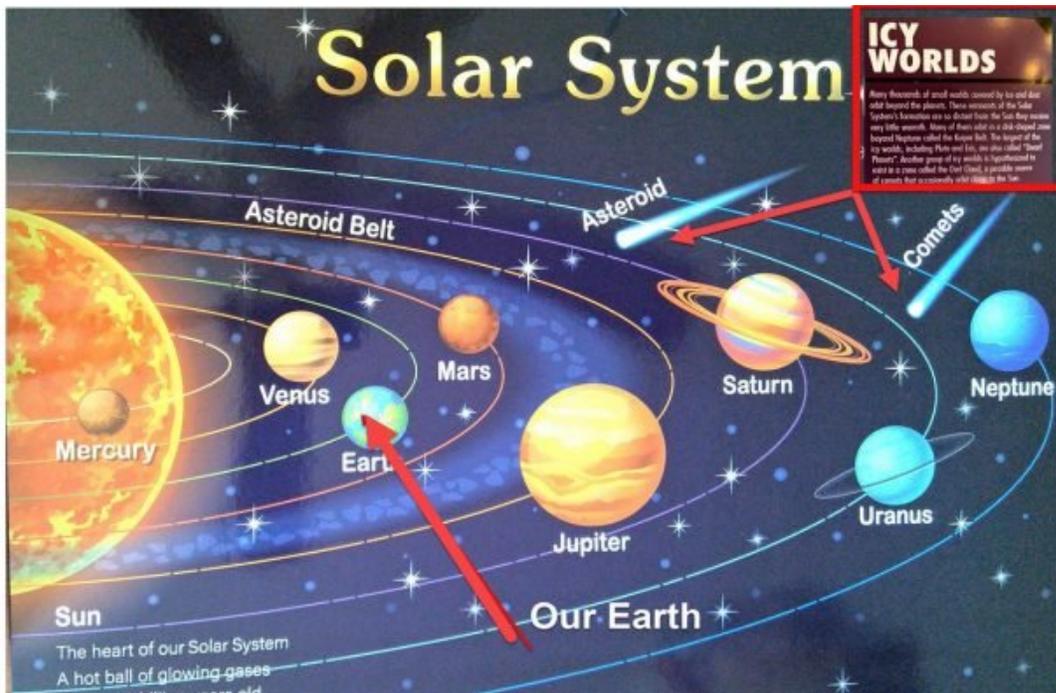
1. <https://hunterlawfirm.net/wp-content/uploads/2021/11/1freeparents.jpg>

2. <https://hunterlawfirm.net/equitable-distribution-wv-divorce-property-law/>

3. <https://hunterlawfirm.net/child-custody-in-wv-an-update-of-the-maze/>

Our Amazing Solar System (2021-11-10 21:51)

[1]



I share with my readers a video I completed today on our solar system.

"Our Amazing Solar System": [2]<https://youtu.be/Dbx1LaBegAc>

Of course, it is for our grandchildren, and for anyone who may enjoy it or learn from it.

The relevance to my blog is that a lawyer needs to communicate, research, organize, and market.

This YouTube video was produced using Microsoft Powerpoint, Techsmith Snagit, and Adobe Acrobat DC. Write me at www.hunterlawfirm.net, and I will send you the PDF slideshow of the presentation.

By demonstrating that I can manage these tools, as I have for many decades, I hope to reassure my colleagues, judges, and prospective clients that I am maintaining currency in technology and applying my brain to these challenges.

Enjoy, and you might even learn something. And please send it to anyone you know who is fascinated by space and our amazing universe.

1. <https://hunterlawfirm.net/wp-content/uploads/2021/11/Slide8.jpg>
2. <https://youtu.be/Dbx1LaBegAc>

2.3 October

Why I like Snagit and Pathagoras (2021-10-30 19:41)

[1]



Recently, I posted about four "cool tools" for researchers, editors, and producers of content (which should mean most of us).

I compared them to easy-to-use and maintain light battery-powered hand-tools by Kobalt and Stihl. It is

a good analogy because those tools, especially Snagit, are light, easy to use, and affordable.

I found the new Snagit from my Canadian "friend" Steve Dotto of the "Dottotech" YouTube channel.

[2]



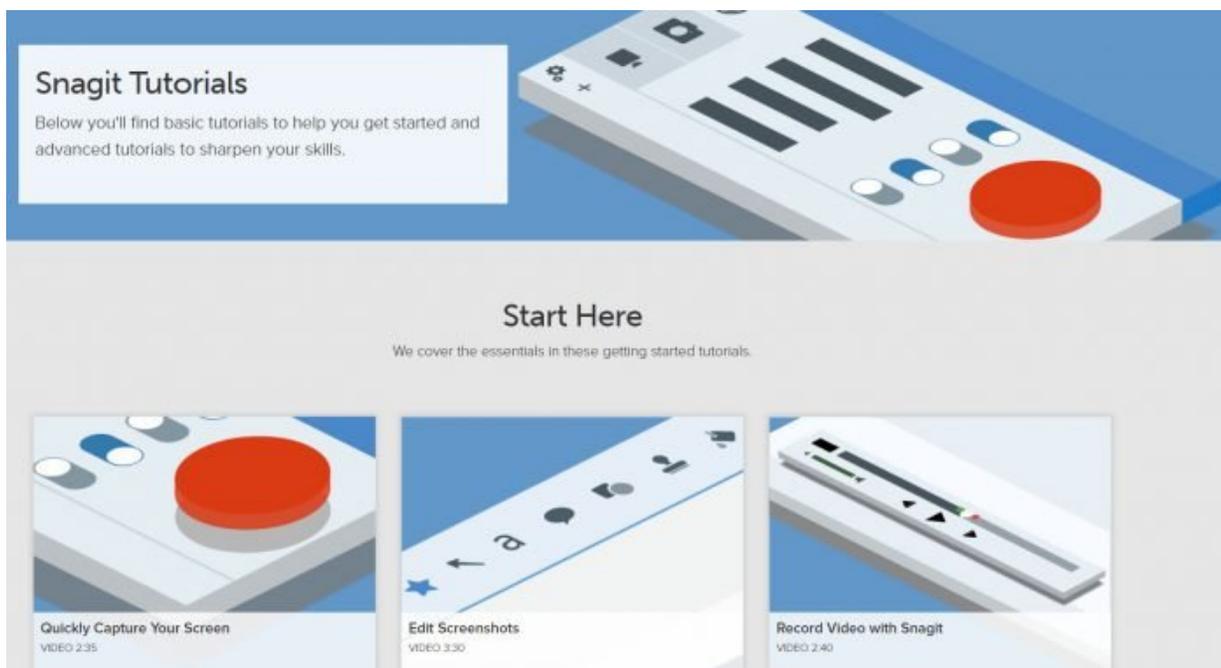
I compare Snagit and its Publisher, Techsmith, to its antithesis, Lexis/Nexis and another excellent product, Casemap, and the suite of Casesoft products.

But, after 15 years, I no longer use CaseMap or Lexis Advance legal research service. Why?

It is simple:

1. Snagit is @ \$50/per user per year and \$12 for full access to its training "maintenance" program. That's yearly, but that's "cheap"! And you can take many useful tutorials on their website or Youtube before becoming a paying customer.
2. Snagit, and my friend Roy Lazris's brilliant document assembly application, "Pathagoras", have full-featured tutorials at little or no cost.

[3]



"Lexis/Nexis University" or whatever it calls it, is NOT free. Nope; after paying ten to one-hundred times as much as Snagit and Pathagoras, Lexis/Nexis tries to "snag" you (get it?) for \$150 per module, or a total of over \$1000, just to learn their system.

I say "try" because **I won't pay it!**

Once that I paid "through the nose" for the application, my thought was that Lexis/Nexis would want us to use their programs and brag on them? Makes sense to me.

Nope; after sucking you dry upfront, they don't mind, apparently, that the application sits unused on your taskbar because you aren't confident how to use it; nor, apparently, do they care that they don't have guys like me bragging on them and showing others what the program does.

I believe I will use Snagit on a daily basis, much as I do Pathagoras as my clients and I create pleadings, parenting plans, property settlement agreements, and other key documents. I let the client watch their proposed agreement come into being on the screen I provide for them.

Perhaps large firms, with reductions by scale or training officers can afford the "Lexis/Nexis Premium" prices. I cannot, nor will I accept repeated promises from flustered sales staff when promises of "free trials" never materialize.

Decide for yourself, but if you need a video editor/screen capture/research tool or a "document assembly" application for "the masses, then I strongly recommend and vouch for Snagit by Techsmith and Pathagoras by Roy Lazris.

I miss Casemap and Lexis Advance but not enough to be treated as a cash cow headed for slaughter.

Here are a couple of my recent FB posts, "captured" from my Snagit application.

[4]



Burt Hunter

2h · 🌐



Learning about Snagit; say you find a great quotation, Lincoln, Ghandi, Einstein, or Mother Theresa, or Burt Hunter, and you want to copy and paste. Snagit can copy just the text, keeping the format, and often the same, and always similar, font and send it several dozen ways, including pasting hit here. This is an image of the post, but you get the idea:



Capture text with Snagit

Snagit is about so much more than screenshots. Use the Grab Text feature to capture text and extract it from images.

Snagit uses Optical Character Recognition (OCR) to analyze the letters and words in an image, and then convert them to text.



[5]



Burt Hunter

1h · 👤



Snagit;

I'm beginning to get the hang of this. I think our Daughter [Laura Hunter](#) may use this or might benefit to use it in training her staff or reporting to her boss, certain procedures or information that otherwise might appear to be complex.

Let's say you have a bunch of screen shots and "snips"; put them in the right order, mark them up with arrows, "call outs", outlines, and such.

Then you can select one of these templates, or let Snagit do it for you. Place the marked up images into the right order of the template and send it or print it and hand it out!

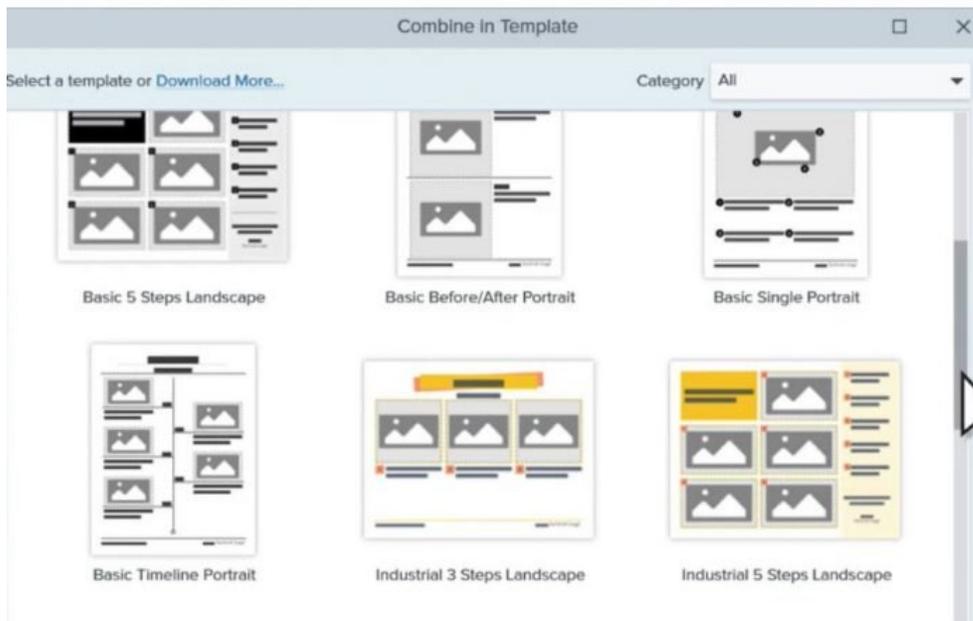
Or, as I did two weeks ago, you can put your slides into Powerpoint as .jpeg photos and record your slide show as a narrated video, and even have your own video image in as a "picture in picture". That way you can speak directly to your audience, turn the picture on or off, or even switch camera's for the P.I.P.

Truth is, unless you are a Barron Henley or Steve Dottoa or Roy Lazris, you really must try this stuff and create something to understand it.

Why do that? If you are "crafter", "scrap-booker", family historian or geneologist, or just someone like my friend [Lawrence Kammer](#), "the fly tying professor", who likes to share ideas and information, or [Joe JB Shaver](#), who likes to promote a cause, philosophy, or political movement, this remarkably affordable screen captuer and video editing software is for you!!

If I ever retire, this will be a way for me to speak to future generations about our family, my life, and memories that will otherwise fade into history. I have several video "oral histories" of people a full generation or two ahead of me. My Grandmother Hunter remembered earlier than 1900.

Trouble is, I fear I won't retire until the old memory cells have died.



1. <https://hunterlawfirm.net/wp-content/uploads/2021/09/1.cincaburtpic2.jpg>
2. <https://hunterlawfirm.net/wp-content/uploads/2021/10/Slide27.jpg>
3. https://hunterlawfirm.net/wp-content/uploads/2021/10/1.Snag_.Tutorials-1.jpg
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5. <https://hunterlawfirm.net/wp-content/uploads/2021/10/1.SnagitTemplate.jpg>

Four Cool Tools: October, 2021: For Research, Presentations, Organizing, and Planning.
(2021-10-19 21:47)

NOTE: YOU CAN SEE THE VIDEO BY CLICKING ON THE LIVE WINDOW > IMMEDIATELY BELOW,

YOU CAN ALSO SCROLL THROUGH THE SLIDES FROM THE POWERPOINT BELOW THAT.

<https://www.youtube.com/watch?v=pXpxsnX5olk>

[1]

Four “Cool Tools”

**For research, presentations,
organizing, and sharing.**

[2]



[3]

Some “Cool Tools” for an “Idea Handyman” Or Woman

We live on 10 rural acres: so, finding some “cool tools”, battery operated reciprocating saw, hedge clipper, string trimmer, and chainsaw, by Kobalt and Stihl, were the perfect fit for me.

So, too, are the “cool tools” described here; simple solutions to some complex challenges.

[4]

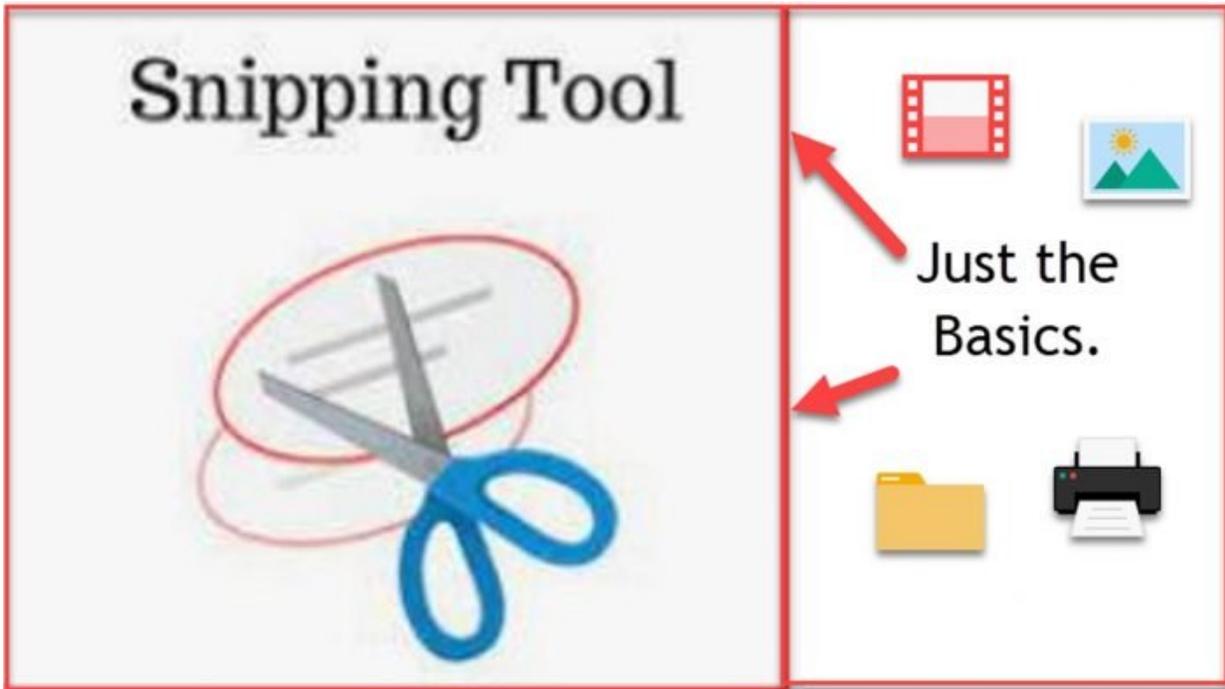
1. Powerful applications like Adobe's Photoshop or Premier Elements, Pinnacle Studio, Microsoft's Access Relational Database, or the Excel Spreadsheet are great for those of us willing to pay the price to purchase and learn them.
2. I have and use several, but at this stage of my career with my remaining years of practice in single digits, I am looking for things that work "out of the box".
3. ***The following four applications, compatible with ones that I currently own, have enough value and simplicity to be worth my while.***

[5]

Four Practical Applications For a Productive Person:

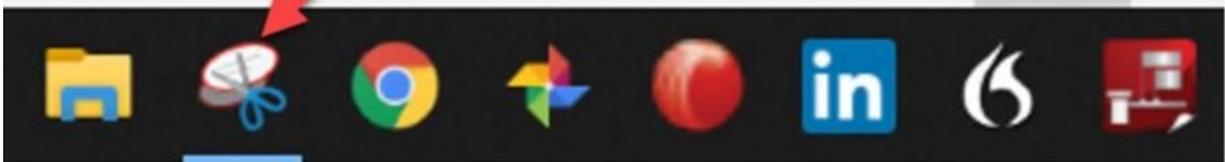
1. Microsoft's Snipping Tool;
2. Evernote's Web Clipper;
3. Microsoft To Do; and,
4. Snagit, by Techsmith.

[6]

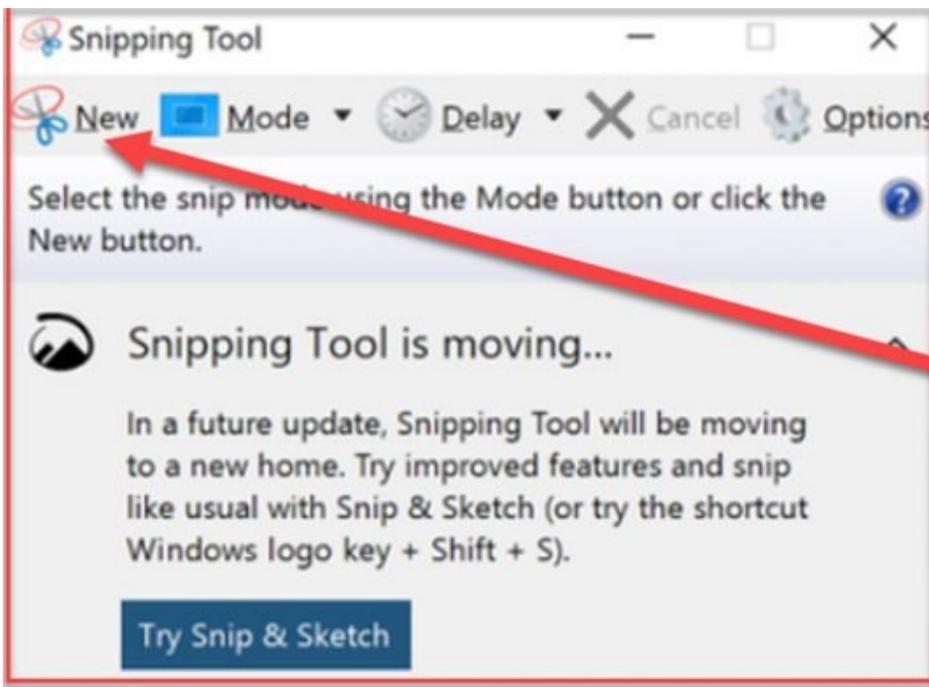


[7]

The Snipping Tool on the Windows Toolbar.

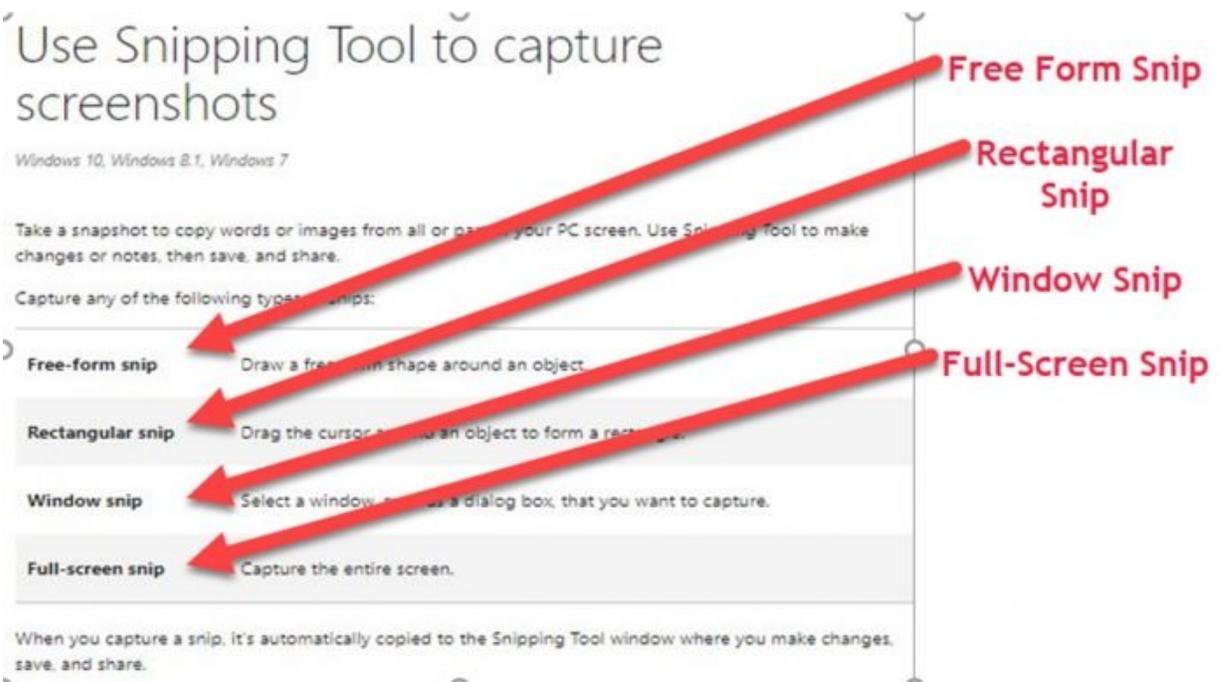


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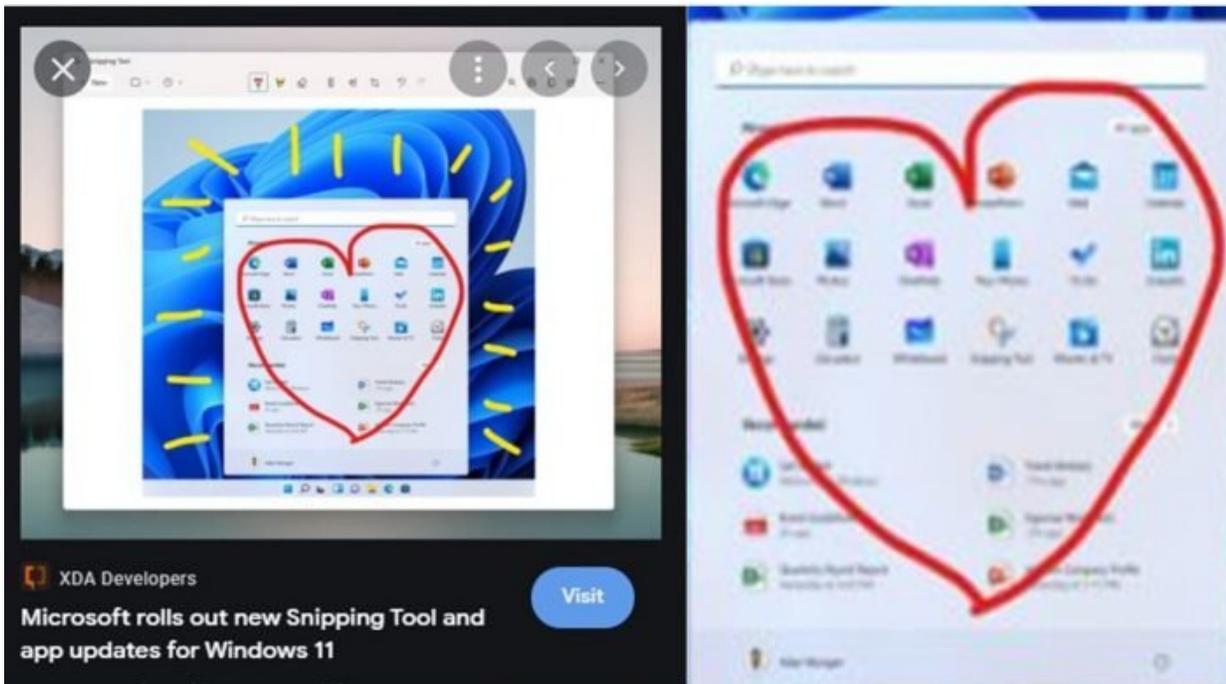


I just pick "new"; then snip, copy, paste, or save.

[9]



[10]



[11]



Evernote

[12]

Why choose Evernote?

Evernote gives you everything you need to keep life organized—great note taking, project planning, and easy ways to find what you need, when you need it.

Let's get started



Capture anything

Add more than text to your notes, including photos, files and to-do lists.



Keep it together

Create a personal space for all your most important ideas and information.



Find it fast

Get the right note, right away with powerful search and keyword tags.



Take it anywhere

Sync your notes to all your devices so they stay with you, even if you're offline.

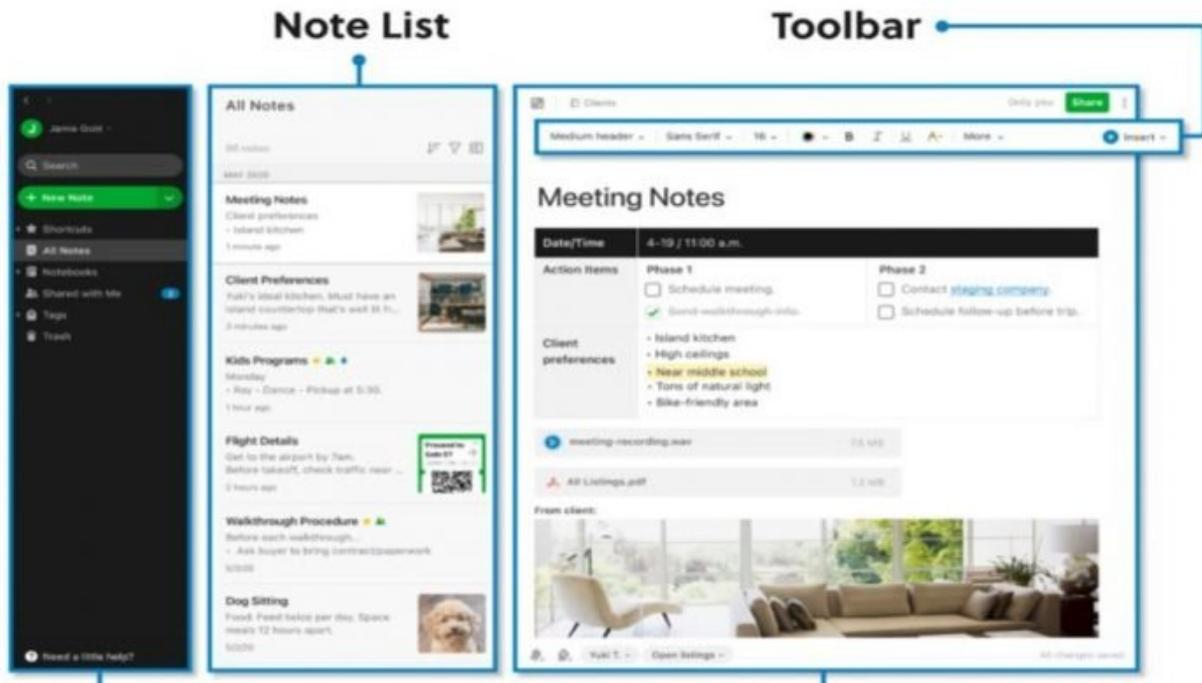
[13]

Go beyond bookmarks

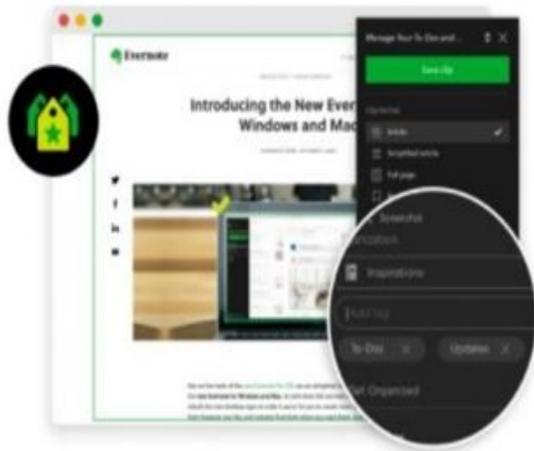
Save web page URLs, images, and descriptions to your relevant Evernote notebook and keep all your related content in one easy-to-find place.



[14]



[15]



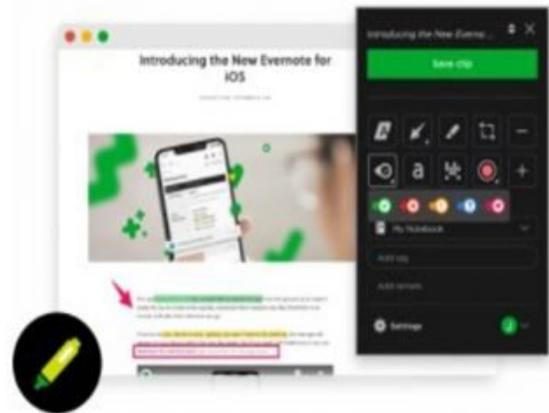
Keep content organized

Tag what you save so your research, photos, ideas, and more are all easy to find using keywords. You can also add titles and save content to the notebook that makes sense.

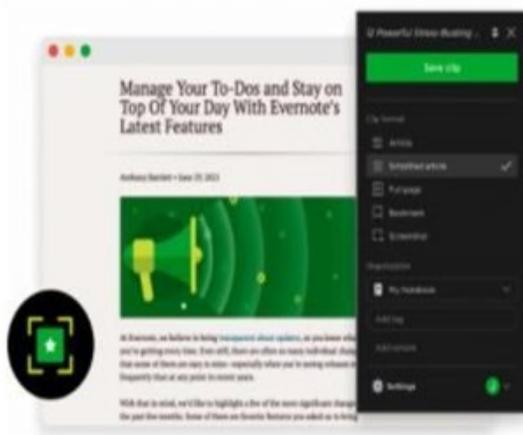
[16]

Customize your website screenshots

Take a screenshot of a web page, then add highlights, text, and other annotations. With Web Clipper, you can make sure what's important is clear at a glance.



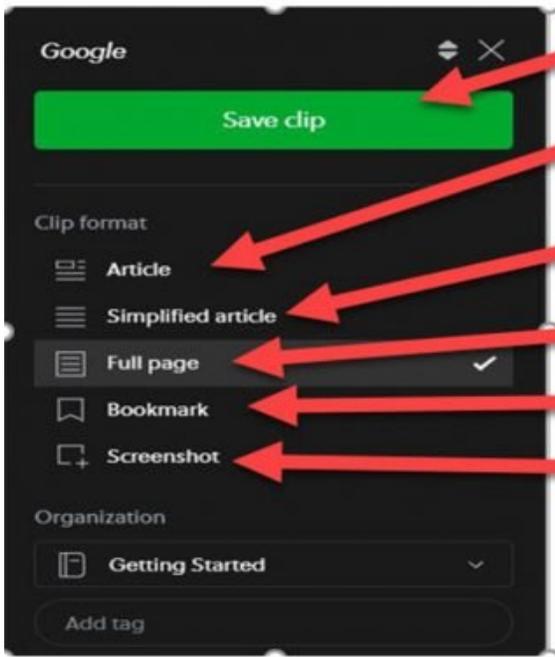
[17]



Save what matters

Clip web pages, articles, or PDFs and save them in Evernote. Screen capture full pages or just the parts you want—without distracting ads and sidebars.

[18]



Save Button
Article
Simplified Article.
Full Page
Bookmark
Screenshot



Plus anything you can copy, snip, or snag, and e-mail to Evernote's inbox.

[19]



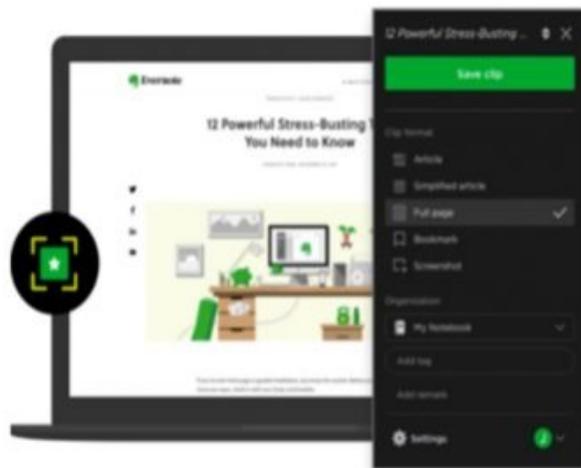
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Help Log In [Download](#)

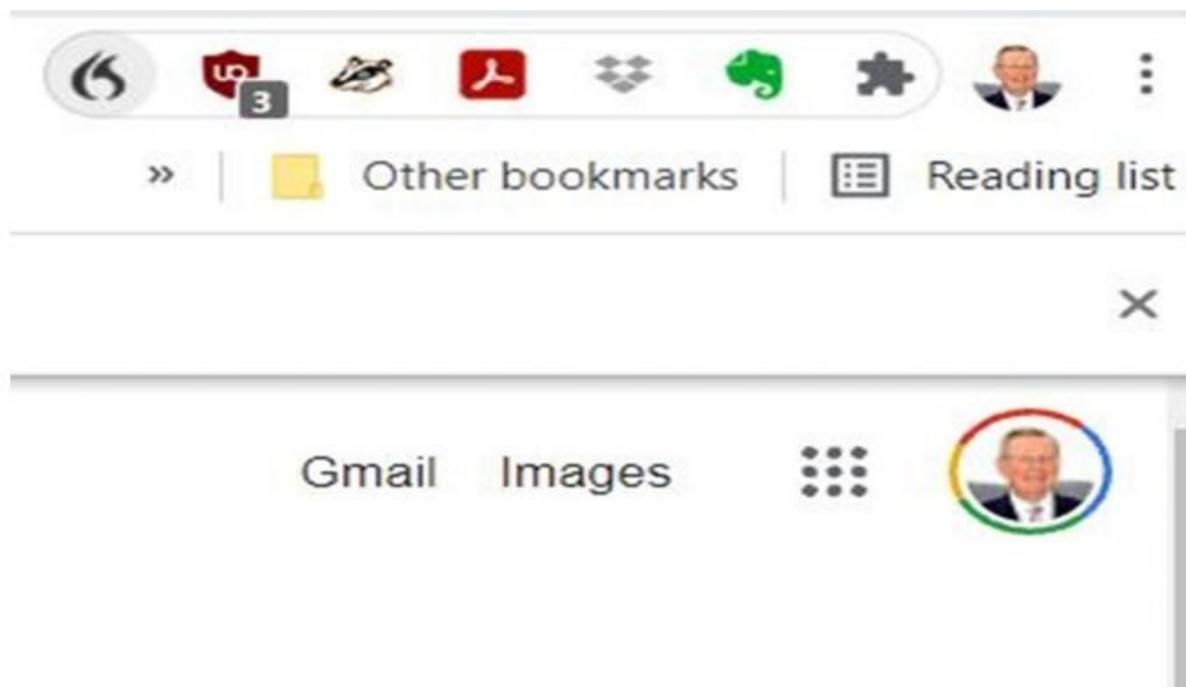
Web Clipper

Save articles, web pages, and screen captures directly to Evernote.

[Get Web Clipper](#)



[20]



[21]



Microsoft To Do

Formerly "Wunderlist", Microsoft "To Do" is a solid task app. for use with Outlook.

The complex block features the Microsoft To Do logo, which is a blue checkmark with a red arrow pointing to it from the right. Below the logo is an illustration of a woman with long brown hair holding a smartphone and a man with dark hair wearing a red shirt sitting at a laptop. There are several green checkmarks floating around them. To the right of the illustration is a text block that reads: "Formerly 'Wunderlist', Microsoft 'To Do' is a solid task app. for use with Outlook."

[22]

 [Open in Outlook](#) >

Don't forget to create your First Video Blog Article with Snagit!

A key feature: E-mailing a task to "To Do"

J Burton Hunter III

> Created 3 minutes ago

[23]

Loosely based on the Eisenhower Principle of Task Management.

1. Urgent but not important.
2. Urgent and important.
3. Important but not urgent.

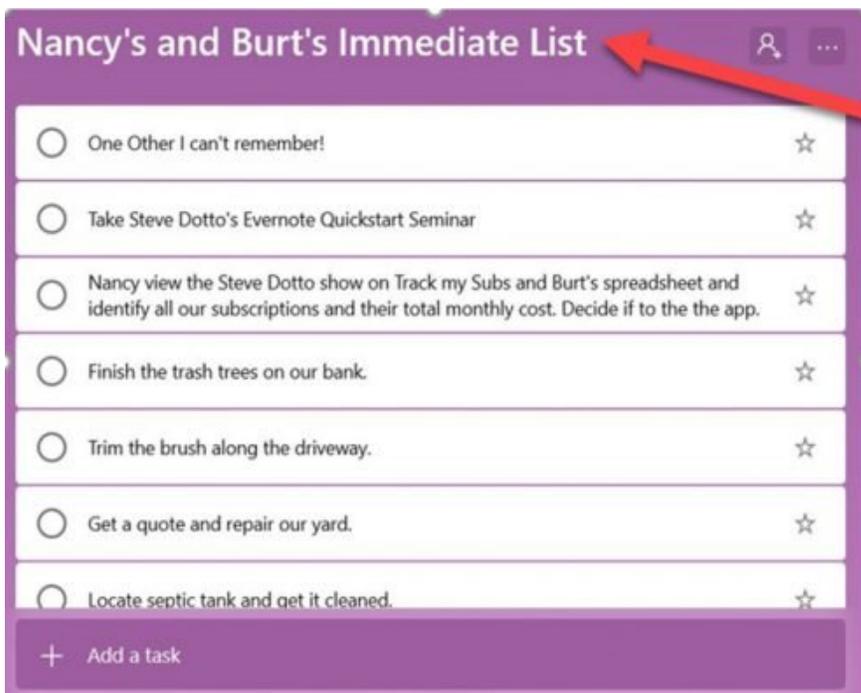
 J Burton Hunter III
hunterjb@hunterlawfirm.net

-  My Day
-  Important 3
-  Planned 8
-  All **All** 52
-  Flagged email **Flagged** 1
-  Tasks 25
-  Nancy's and Burt's Immediate List 8
-  Untitled list
-  Important But Not Urgent Work 1
-  New list

Microsoft To Do

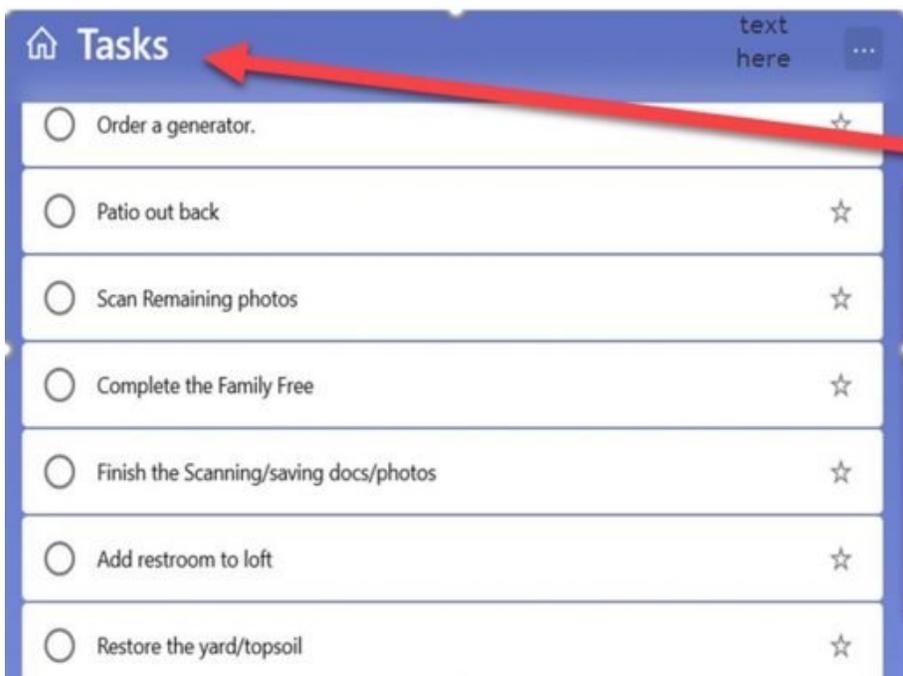
-  J Burton Hunter III
hunterjb@hunterlawfirm.net
-  Important But Not Urgent Work 1
-  Important But Not Urgent Personal 2
-  Urgent, Not Important
-  Urgent AND Important 1
-  Daily
-  WORK SHORT TO DO - 1 HR. 1
-  Personal Short-Medium 1
-  PERSONAL - LONG.OVER 3HRS. 4
-  WORK-MEDIUM-2HR
-  WORK LONG/PROJECTS + 3 Hrs. 3
-  New list

[24]



Some lists are short and sweet, perhaps to organize a week-end at home.

[25]



Other lists are for important long term tasks that aren't urgent but definitely are important, if somewhat aspirational

[26]

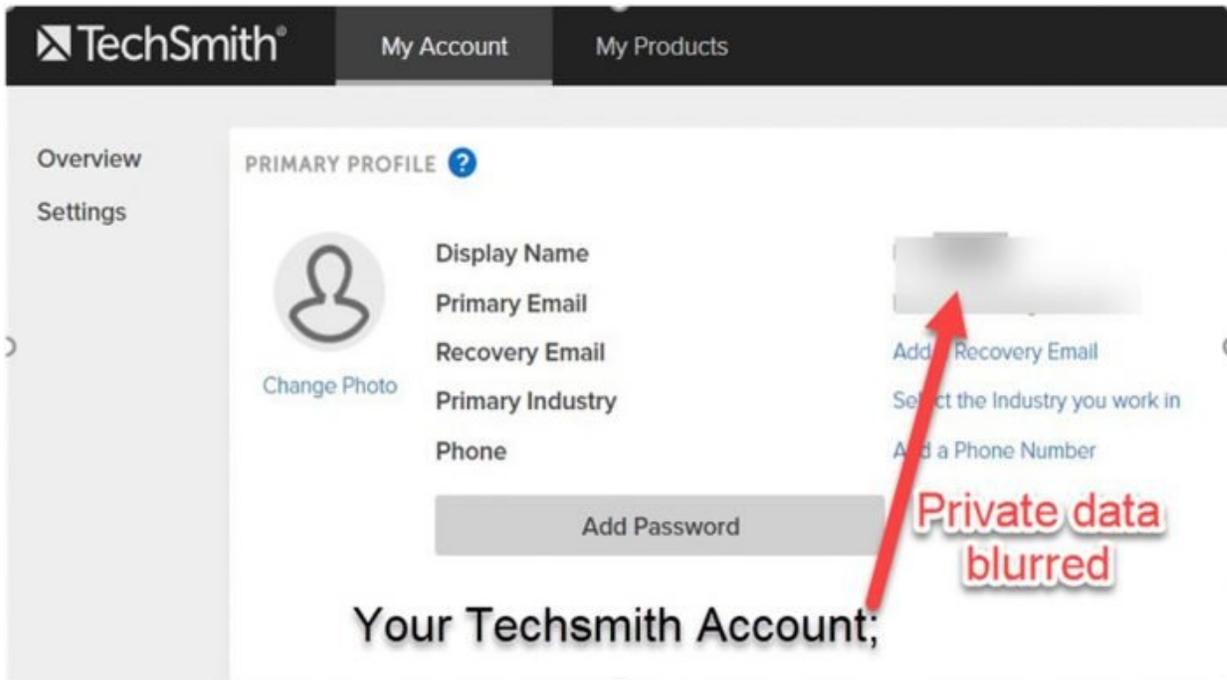
Key features of a good task manager:

- It must be something you will use.
- I often use my iPhone's "reminders" and calendar, and alarm to give me a book or song title, podcast, website, place name, or other thing that catches my eye or ear. Or the name of a person I just met.
- It must work over all the platforms you use. My Evernote and To Do work on an iPhone Xs Maxi, iPad Air, and three Windows laptops.
- It certainly must accept subtopics and "steps", have alarms and reminders, but ease of use is paramount, and the ability to share lists with family and staff. Right now, I have been "snipping" lists and pasting them into e-mail.

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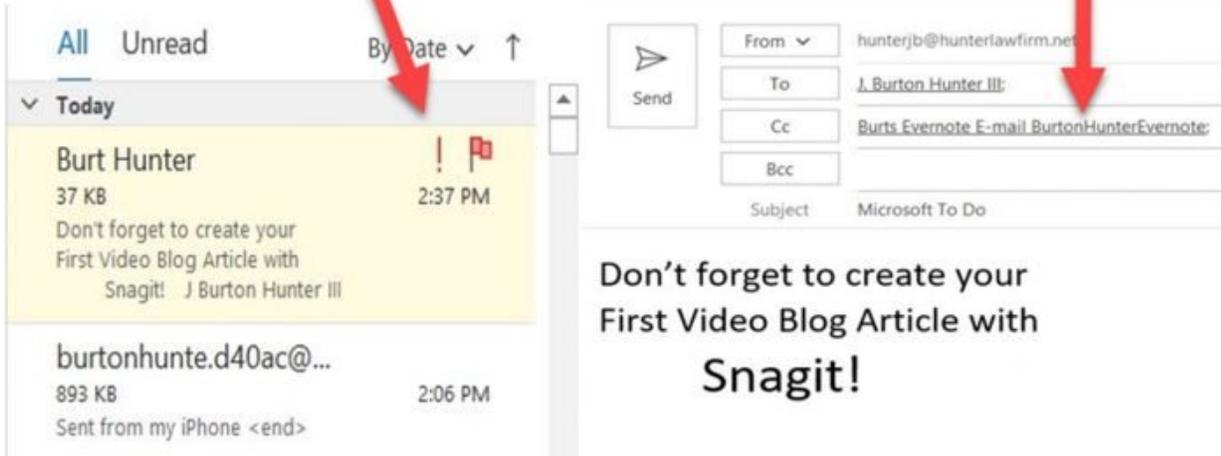


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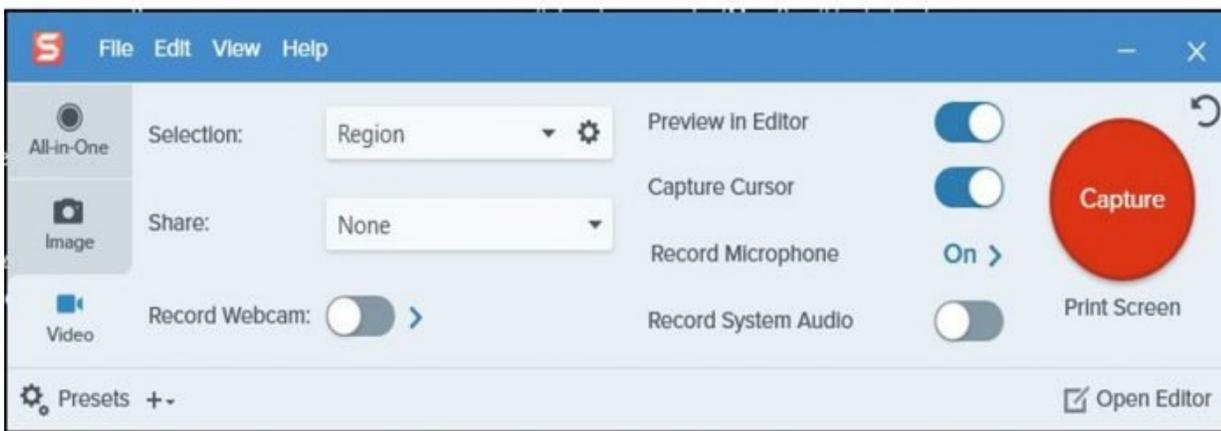
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Two keys: flag a task to send in "To Do" AND send it to Evernote e-mail inbox so you can find it later!

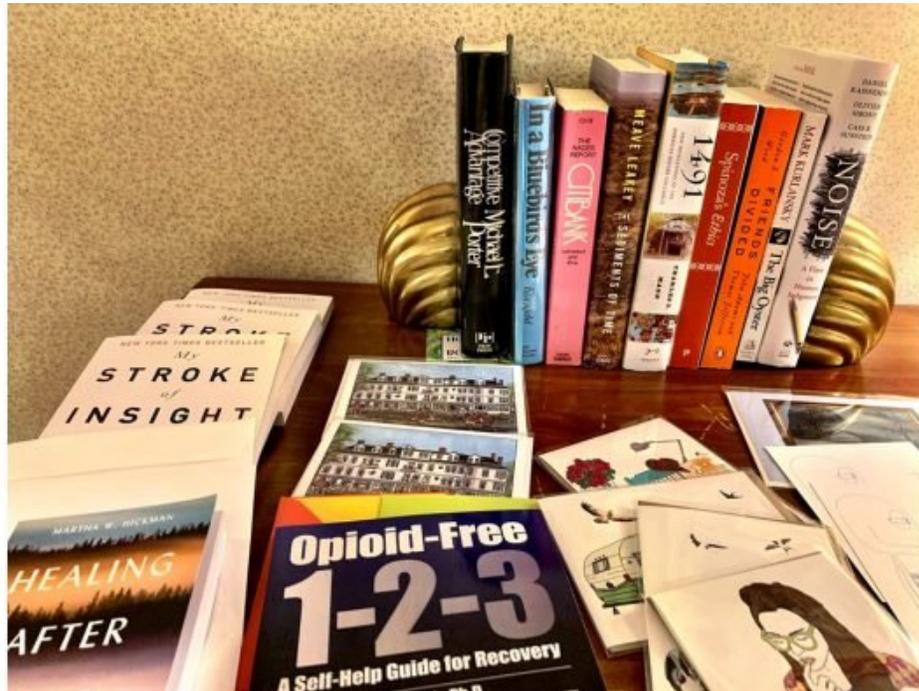


Don't forget to create your First Video Blog Article with Snagit!

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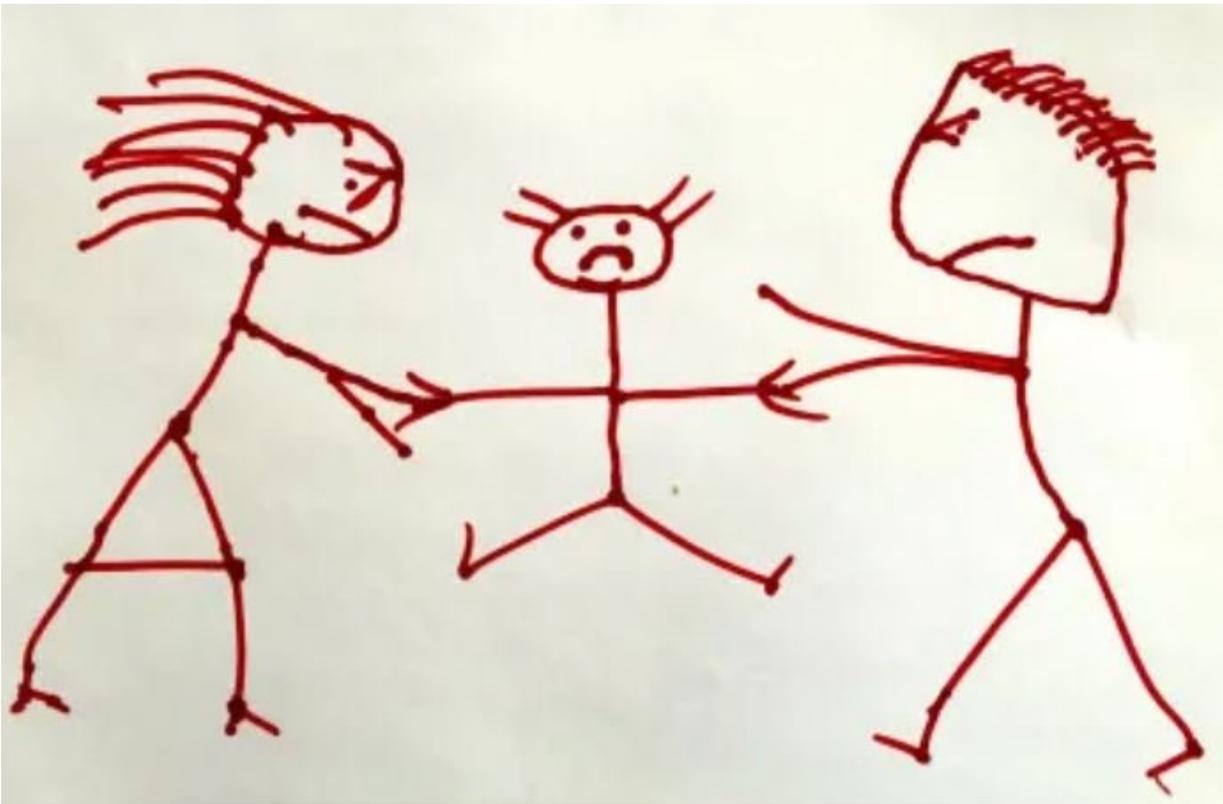
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Child Custody in WV: an Update of "The Maze" (2021-10-01 20:16)

[1]



This is a short update of my 2016 article, *"The Maze of Child Custody in WV"*.
[2]<https://hunterlawfirm.net/the-maze-of-wv-child-custody-issues-just-dropping-crumbs-wont-get-you-out/>

Just a summary and update.

1. In WV the Family Court has primary jurisdiction of children's issues, sharing of time, access to records, and decision making for married and unmarried parents.
2. The appellate Court for Family Court, which also "shares jurisdiction", is the County Circuit Court which is the Court of general jurisdiction in the State.
3. Custody cases between unmarried people, formerly "paternity suits", are now "**petitions for allocation of parental rights**".

4. Custody cases between married people are part of the divorce process.
5. Technically, we really aren't supposed to be using the terms "custody" and visitation"; these cases are under the "rubric" of "shared parenting", access to records, and decision making.
6. Circuit Courts have Jurisdiction of "juvenile delinquency" and "juvenile abuse and neglect". These cases have the county prosecuting attorney and the WV Dept of Health and Human Resources (Child Protective Services Division) as parties. The parent(s) and the juvenile usually have a court-appointed lawyer; only rarely to either have retained counsel.
7. Circuits Courts have jurisdiction of adoption, which has its own rules and assumptions.
8. Domestic Violence cases and juvenile cases begin in Magistrate Court but are heard by the Family Court and Circuit Court respectively.
9. Matters pertaining to guardianship of children are largely in Circuit Court, but can be sent to family court, and may be heard by a commissioner. These are often "Grandparents Petitions". The child in such cases may also have a guardian ad litem.
10. There is a "Grandparents Visitation" statute. Such cases are heard by Family Court. I see them only rarely.
11. The "update" is that there is a new "custody statute" that does not rely as heavily on the "caretaking functions percentages" as prior statutes relied on, and "the parental relocation statute" which used to require a "relocation notice" to be filed by the moving party now requires the filing by the moving parent of a "petition to modify parenting plan". That's a big deal, putting upon the moving party to sue instead of daring the non-moving party to sue.
12. I didn't try to make this complicated, but it is hard for a non-lawyer to absorb; thus my term, "The Maze" of custody in WV.
13. Whether it is social unrest, racial or immigration issues, the drug epidemic, or our Pandemic, there is much stress on our custody courts as there is on our social services, educators, police, parents, and grandparents.
14. It all makes for a very good reason not to dive into a custody or family law conflict without the aid of an experienced attorney.
15. Hmmm? Where can you find one of those? [3]<http://www.hunterlawfirm..net/blog>

1. <https://hunterlawfirm.net/wp-content/uploads/2021/10/1.Custody.jpg>

2. <https://hunterlawfirm.net/the-maze-of-wv-child-custody-issues-just-dropping-crumbs-wont-get-you-out/>

3. <http://www.hunterlawfirm..net/blog>

2.4 September

Checklist for Family Court Litigants: Initial Hearing. (2021-09-24 20:52)

[1]



1. _____ Have a pen and a pad to write notes and questions to your attorney.
2. _____ Be sure you have listened to your attorney and his staff carefully and told them the truth.
3. _____ Don't let your lawyer learn about that DUI, drug bust, or domestic battery conviction from the other side. No, "I didn't think you needed to know that." Stop! We do need that!
4. _____ "Proffer" = "offer of proof" **. Your lawyer is going to give the Judge a concise (short) statement of the issues in the case and what you think the evidence will show. Think 2-5 minutes. That's all you will have!
5. _____ Do not "puff" your case or leave out key facts; that will later burn you.
6. _____ DO NOT SPEAK UNLESS SPOKEN TOO! AND DON'T "BLURT".
7. _____ Sit up straight! Don't fawn or cower but say "Sir" and "Ma'am", "thank you" and "you're welcome." You are fighting for your child/ren and your future. Don't screw it up.
8. _____ DO NOT react to what you hear or be shocked if the other side slants or hides the truth. (It's "par" for the course.)
9. _____ This is important: scowls, snickers, head shakes, and eye rolls are seen by the Court and recorded for posterity. Sit quietly and respectfully.
10. _____ If your lawyer or the other side misspeaks, write a concise, legible response, and DISCRETELY nudge your lawyer or just slide the pad over to him.
11. _____ Don't feverishly write "**War and Peace**" or sigh, or yawn. Look attentive, not hyper!
12. _____ Don't "stage whisper". If your lawyer leans over to whisper a question, answer discretely and beyond the Court's hearing, behind a cupped hand. "Stage whispers" make you look like an idiot and may "tip your hand" to the other side.
13. _____ Because of the Pandemic, you may appear remotely; regardless, DO NOT SPEAK UNLESS SPOKEN TO OR ARE ASKED A QUESTION.
14. _____ During the initial hearing, remember that you may have two kinds of questions, ones you want to remember to ask immediately after the hearing, and ones you are asking in real time.

15. _____ Keep them separate and send the “real time” questions over as you write them, perhaps on its own sheet of paper or circled, so the lawyer can “glance and jot” a reply.
16. _____ Don’t lose heart. You would be correct that the initial ruling, temporary parenting plan, occupation of the family residence, or which vehicle you get CAN portend the future. It is the FIRST ROUND of what could be a long fight. So, keep your cool even if unhappy with the result.
17. _____ Your lawyer (this lawyer) cares deeply for you, your children, and your case. Take care before blaming or whipping him. A good lawyer will candidly admit a mistake or misunderstanding. Be gracious. Like most mules, “lashing” him won’t make him pull harder.
18. _____ You and your lawyer are a team. Help him/her to be as prepared as possible, and she/he will paint an oral picture of the case to come.
19. _____ Finally, if you are sitting next to Mr. Hunter, relax; he’s been in that seat over 5000 times.

* Footnote: the recent, defeated, partisan custody bill, which rational forces successfully deflected and modified, would have done away with proffers. Under that statute, every hearing would require the ponderous presentation of evidence under the perplexing “ WV Rules of Evidence”. What a boon to the party with the larger paycheck or wallet or bank account. Proffers allow the court to assess a case while maintaining efficiency. Evidentiary hearings cost time and money. False proffers have a way of punishing the profferer.

1. <https://hunterlawfirm.net/wp-content/uploads/2015/04/FCCR.jpg>

HOW DOES A “GOOD LAWYER” STAY HEALTHY AND FIT FOR A LONG CAREER?
(2021-09-17 13:43)

[1]



How does a good lawyer stay healthy and fit for a long career? Short answer: luck!

As I finish my 50th year in practice with no immediate plans for retirement, I believe I have some insights into staying healthy and fit which I share, in summary, below:

Most immediate for this moment in time is “get vaccinated”! At our age, my wife and I are in a vulnerable group, but it was also critical that we have our staff, of various ages, commit to being vaccinated which they did. We will soon get our Pfizer booster.

I have been vaccinated for mumps, measles, polio, and myriad other diseases. What is the big deal? Do not be part of the population that is so filled with ignorance that you would believe political lies and conspiracy theories which are contrary to the immediate welfare and best interests of your family, your friends, your community, your country, and you.

Have good genes. I realize this is something we have no control of, but a person with a family history of high blood pressure, easy weight gain, diabetes, or cancer must be especially cautious. And thoughtful. And well-educated on her health.

A person with “good genes” can get away with being somewhat neglectful in early years of the best health practices. No confessions here, but I grew up with parents who smoked in our home, and who paid the price in their early deaths. Fortunately, I never took up the habit.

Stay physically fit and try not to get injured. An injury to a moving or weight-bearing joint can have a rippling effect of reducing mobility, preventing the burning of calories, and interfering with movement in the rest of the body.

There are things one can do, such as kneepads for yard work, the seatbelt in your car and tractor, a roll bar, plenty of rest, and time for recreation.

But how does one cope with the trillion-dollar industry with two goals, to put as much cheap processed food into your body as possible, and to make as much money as possible doing it? And, of course, along with the most plastic and paper packaging as possible.

The history of the world’s food production is miraculous and sad. The inventor of hybrid wheat, I think in the 1800s, won that scientist a Nobel prize. He fed hundreds of millions who might otherwise have starved.

But, according to at least one book I have recently read, modern wheat is a high-sugar, low-fiber, 18 inch high, poor shadow of the wheat upon which our ancestors of 10,000 years ago began to eat in lieu of their nomadic food-gathering existence. No more “Waving Seas Of Grain”; too short and stubby for that.

For me, it started with something called the “steak and salad diet” after I gained that first 10 pounds in law school and after my marriage to my beloved wife. It allowed for a quick loss of 10 pounds, but the low-fat, low-cholesterol naysayers, warned it would ruin my kidneys. So far, no.

The pattern of a lifetime is when I do not know enough about a subject, I read a book, so I am familiar with Adkins, Paleo, Keto, Mediterranean, Southbeach, and Wheatbelly diets, the infamous Ornish low-fat diet, and several variations.

I will keep this as simple as I can.

Carbohydrates, “carbs” are sugar, and processed carbs are the largest and worst source; also processed sugar.

According to Dr. William Davis, cardiologist and author of the “Wheatbelly” books, wheat in all forms is

bad. According to him, it causes a spike in your blood sugar. I accept that as true and have found suspect the Adkins argument that whole wheat reduces "net carbs". Since it is still sugar.

But all of the authors concur that high fiber is good.

The condemnation of fats and cholesterol is too simplistic. Fat which is incorporated into a junk food diet is bad. Wholesome olive oil, butter, and hard cheese products fit nicely into a low-carb diet.

So how did I lose 20 pounds this summer, and why did I get stuck there? Well, there was a bit of a relapse during our week in New England and the Berkshire Mountains.

For lunch, I gave up my Wendy's spicy chicken combo which includes fries. Just switching from fries to Apple bites did not work as well as I wanted. But, I found on Amazon a special wheat-free, grain-free, wrap. My dear wife makes me a wrap of Swiss cheese, cold cuts, plenty of lettuce, and mayonnaise each day. That and a few pieces of hard chocolate, unsweet tea, or a small diet Coke without caffeine carry me on till 4 PM.

Breakfast throughout the week is an Atkins low-carb bar.

Snacks during the day, usually a handful of nuts, lightly salted almonds dry roasted, peanuts, walnuts, pistachios, and sometimes cashews.

But pretzels, chips, cookies, ice cream, and cake, are bad. They are only for special treats. And, focus on portion control!

In the evening can be the toughest, but plenty of colorful vegetables, lightly salted, with olive oil and butter, grilling or mashing of cauliflower, grilling of squash, peppers, broccoli, and Brussel Sprouts with bacon and raisins. Yum!

In Summer especially, raspberries, blueberries, strawberries, melons, apples, hard peaches, but not mangoes, and limit the bananas. I can't resist a tiny sprinkling of sugar. Consider unsweetened Yogurt. Very good, or the best vanilla ice cream, but only one scoop and only once a week.

I am blessed because I like dark chocolate, with more cocoa and less sugar, and I absolutely love nuts. While on this diet, all of these things taste better than they do when your diet includes chips and peanut butter pretzels.

Another good snack is beef jerky, but without all the sugar.

The key for me is not portion size. I eat until I am reasonably full, but I try not to eat a thing after supper.

My current weight? 10-15 pounds away from my goal, but I intend to get there before Thanksgiving. It helps that I love to cook.

In my world, turning in around 8:30 p.m., reading for an hour, getting up at 5 a.m., taking 30 minutes to rest in my recliner before I leave for work, planning part of my day during that rest, consciously breathing slowly and deeply, "pouring it on" in being productive from seven until noon, leaving sometime in the afternoon for what I call "important but not urgent" reading, writing, course-taking, and projects are key.

The days with all-day trials and afternoon hearing and appointments are "the pits".

I used to be a bit of an exercise buff. I have plenty of the equipment. And I recommend weight work and the rest. I just haven't done well in doing what I "preach".

But, being the owner of 10 rural acres, and a Kubota BX25 tractor with belly mower, backhoe, brush hog, and front loader, I put several hours in every weekend of the snow-free months. We walk our dog Cinca every day, play with her, and my dear wife does her own housework, in a traditional way.

During the colder months, we have discovered "Sit And Be Fit" YouTube videos as well as various yoga exercises, and I use my rowing machine for 30 minutes during the evening news.

Being a multitasker, I listen to biographies, science-based works, college history courses, and other things to stimulate my mind while traveling in my car or mowing our property. Care must be taken during the mowing, as a lack of concentration can be deadly. But one must balance risk with benefit.

I am a firm believer that the mind must be exercised, and the imagination stimulated. Last night we watched the story of the first photograph of a black hole. The "camera" had to be nearly as large as the earth, with multiple observatories.

I try not to watch TV much for pleasure anymore. If I am not learning something new, I am generally not interested. Most professional sports have lost their interest for me, especially in light of online betting.

The myriad podcasts available today are remarkable and should be carefully reviewed and curated. Someday I will write an article that. For now, try Fared Zakaria, Freakonomics, and Writers' Almanac.

What do I do that is not healthful? Well, I am not exactly talking to a priest, so no big "reveals" here. Mostly I try to live a responsible life.

One must monitor alcohol intake, and a person who is not prepared to give up drinking still needs to migrate to a low-carb beer such as Mic Ultra, drink dry red wine, and an moderate hard alcohol to an occasional gin and tonic or dry martini.

My love for olives, especially almond stuffed olives, has grown as my diet has evolved. I order six jars at a time from Amazon.

Breakfast of course can be eggs and bacon, eggs and ham, omelets, fruit, and, under my former diet, whole wheat toast. But I have found a good form of non-wheat and no non-grain granola. Write me and I will give you the particulars. Remember, moar cereal is sugar. And yes, oats are better than wheat.

Finally, I do not know whether it is good or bad, but I come to work each day into a maelstrom of human conflict, stress, emergencies, alleged abuse, vitriol, deadlines, complexity, and anger.

How does one deal with that? I think that part goes back to "good genes" and high tolerance to stress, an inclination to be interested in people, a certain level of intelligence, but, in my opinion, two other critical factors: curiosity, and innovation.

Without those, what fun is it?

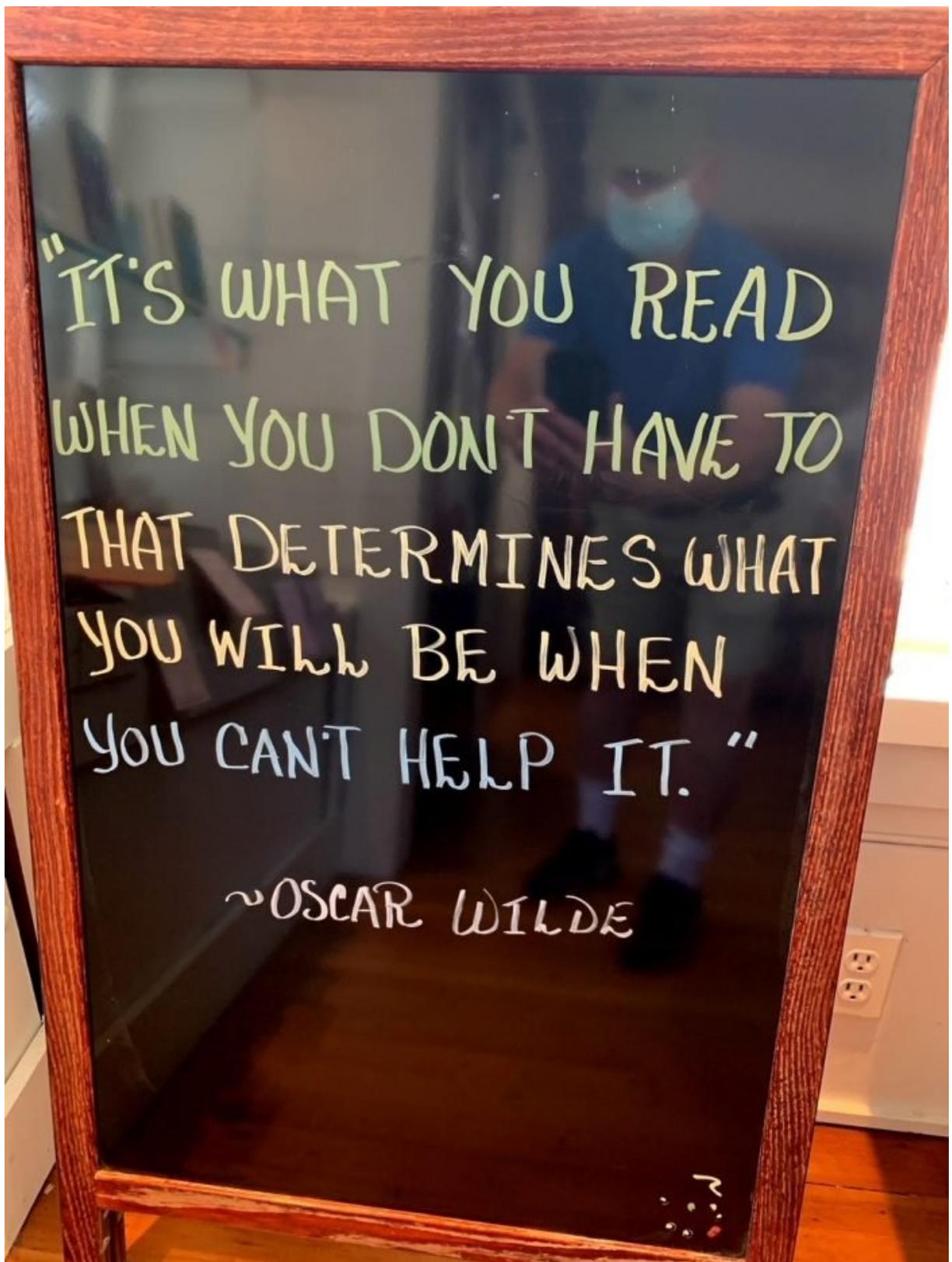
And then there is that elusive creature: resilience. Be well.

1. <https://hunterlawfirm.net/wp-content/uploads/2021/09/1.cincaburtpic2.jpg>

2.5 August

Keeping Our Perspective: 2021, A Reading Life (2021-08-18 21:50)

The sign in front of Worlds of Books, Kent Ct. [1]





I remind my readers that there's a LOT of practical, informative, and "how-to", guidance in my fully-searchable 1500 blog pages and 450 blog articles.

This post and my prior post on **"Our Recommitment to Excellence"** are written during a short "vacation" which for me includes listening to "audiobooks", reading, and buying my year's worth of new books. So, this is NOT a "how-to" post.

It is a time to relax and to think. I guess I am not destined to be "an influencer", in the sense of having thousands of followers, but I have tried to change my profession and my world with my writing. So, as always, feel free to share this and any of my posts.

I assure you that the books listed and pictured here will not waste your time or your money. I refer you to other reading lists and sources sprinkled throughout my blog. I even included my views on "religiosity" and my "history of the world". Just search for "reading".

For the last five years, I have been nearly obsessed with the curiosities of human cognition and the bizzarities created by the rise of Donald Trump and the pseudo-conservative radical right and the media industry that has morphed into existence.

That obsession is tied to my lifetime quest to figure out "What's it all about?" and "Where do we go from here?" I have devoted thousands of hours reading science fiction, history, biography, science, philosophy, and technology.

I have been aware of human beings' ability to believe that which is neither verifiable nor true ever since I informed my cousin Karen (**I was six and she was seven**) that I was sure there was no Santa Claus! I counted the chimneys in Wheeling's Edgewood subdivision and knew he was a fake. Karen got a spanking for telling me, but I was the one who told her that I knew.

Ten years later, it was not easy to stay firmly seated in my pew seat during a Methodist Youth Fellowship prayer service when our speaker, a "Christian Athlete", invited us all to the alter to be "saved" by a personal (supernatural) Jesus. It isn't that I don't believe in God, but unless you have thought about this long, and hard, and critically, it is unlikely I believe in your God.

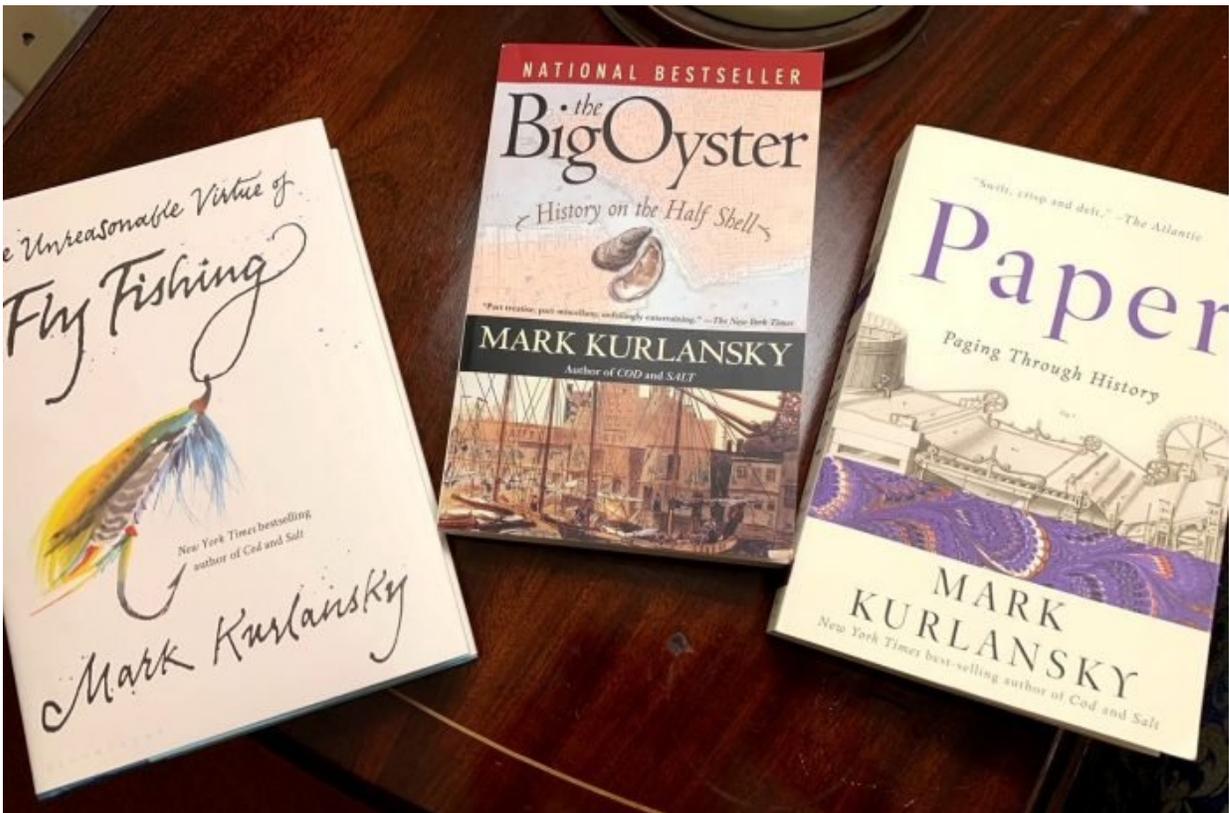
My thinking has come into focus by reading and listening to several sources. They are:

1. One of the "Great Courses" published by the "The Teaching Company", which I just began: **"History of the Ancient Worlds: A Global Perspective** by Prof. Gregory S. Aldrete: [3] https://www.audible.com/pd?asin=B00DJUK74W &source_code=ASSORAP0511160006
2. Another real "gem" is 3 lectures by the Great scientist Richard P. Feynman, **"The Meaning of it All"**, who reminded us of the details of the scientific method. Anyone who does not understand the scientific method is living in a world of anecdote and conjecture. [4]https://www.audible.com/pd?asin=B002V1OK-RA &source_code=ASSORAP0511160006
3. When they are followed correctly, the methods of science lead to more truth, certainty, and accuracy than anything else ever devised by humankind.
4. Another source is **"1491, New Revelations of The Americas before Columbus"**, by Charles Mann.
5. It always helps to challenge what we think we know from another perspective, in this case, the perspective is from the early inhabitants of The Americas.
6. A third book is **"Noise: A Flaw in Human Judgment"** by Daniel Kahneman, Olivier Sobony, and Cass Sunstein, a successor to **Kahneman's "Thinking Fast and Slow"**, which is a classic on the process that human beings use to reach conclusions. These conclusions are often flawed.
7. "Noise" tries to explore the difficulties of understanding a world with vast sources of information, so much of it pure "noise".
8. Of course, I have learned much from Kurt Anderson's **"Fantasyland: How America Went Haywire"** and his **"Evil Geniuses: The Unmaking of America"** and many of the revelatory books written by Donald Trump's niece, by his real estate manager, and his advisors. Together, they reveal a flawed and evil "savant" who awoke the dark side of America.
9. With luck, I can supplement this paragraph with a short account of a book signing by Kurt Anderson in Kent. Ct. which I hope to attend Saturday night.
10. Gordon S. Woods' book, **"Friends Divided, John Adams and Thomas Jefferson"**, promises to give concise and insightful summaries of the lives of these two great Founding Fathers and the country that these Men of the Enlightenment helped to create.
11. And, I have just scratched the surface of **"Spinoza's Ethics"**, translated by George Elliott (the pseudonym for Marian Evans, 19th Century female author and thinker). Spinoza's brilliant insights got him in trouble as "the Great Heretic", but he conceived of a modern God, much more wondrous than the traditional anthropomorphic, spiteful, manipulative God that has been used so often to judge and humble mankind.

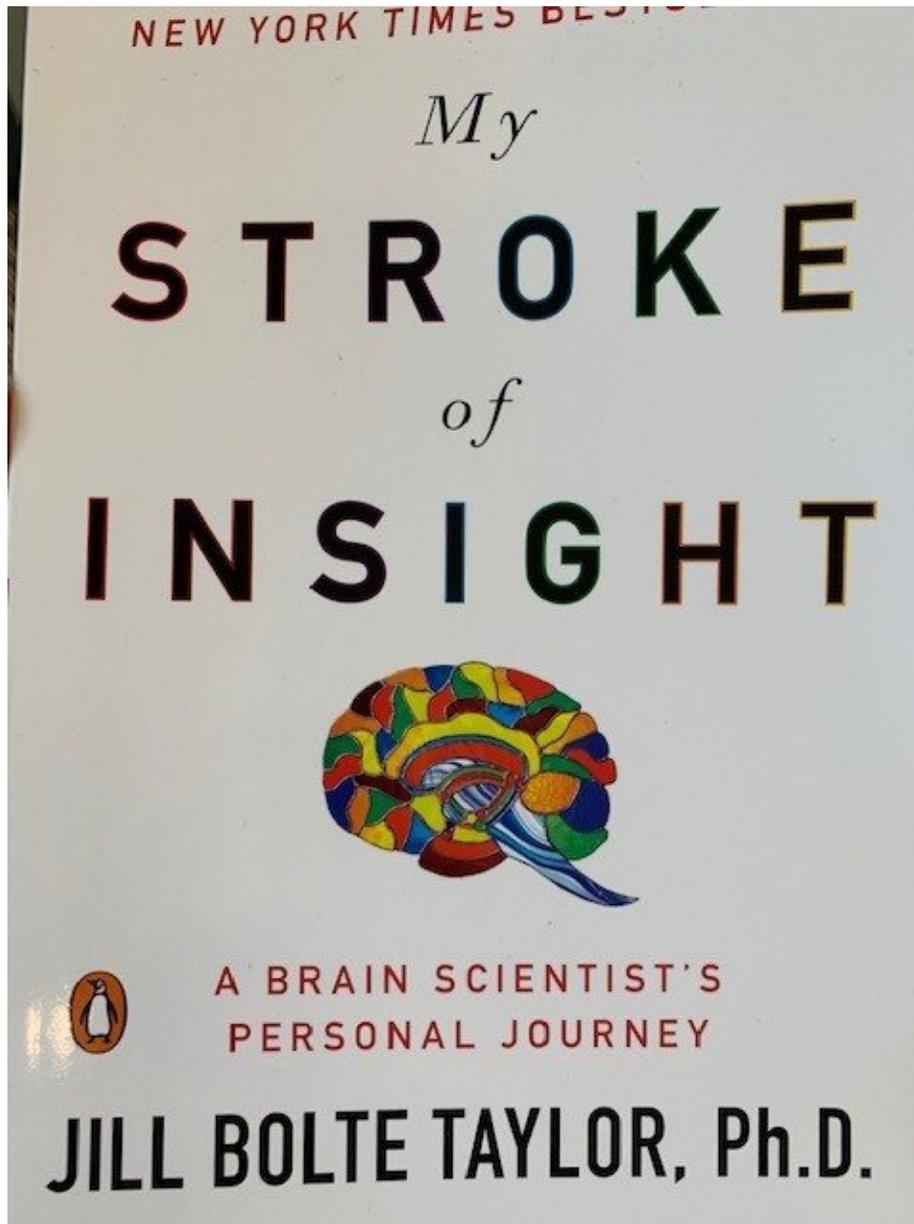
12. Don't forget "The Double Helix" by James Watson, winner of the Nobel Prize with Frances Crick:
[5][https://www.audible.com/pd?asin=B0058OQ1AQ &source_code=ASSORAP0511160006](https://www.audible.com/pd?asin=B0058OQ1AQ&source_code=ASSORAP0511160006)
13. As we listened to his course today, Professor Aldrete provided "perspective" as we contemplate our current troubled era:
- He points out of the last 7000 years or so, 80-90 % of all human beings lived one kind of life.
 - They did not know how to read or write.
 - They lived in a rural setting, usually a farm.
 - Nearly half of all children died in childhood, which meant that women needed to average at least five children or the population decreased.
 - These people rarely traveled more than 20 miles from home.
 - They knew nothing of science, and I realized that they didn't know they lived on a planet, that orbited the sun or of disease, medicine, or of course philosophy, history, or biology.
 - IF a person survived to age 20, they were lucky to live another 20 years, on a near-starvation diet, to bury at least two of their children.
 - Occasionally, men with swords would arrive and steal their crops or things of value, whether by theft or taxation, it didn't matter to them.
 - He talked of two great explorers, German and British, who discovered massive stone columns and blocks and determined them be related to the people who created Stonehenge. Wrong! They were Roman olive oil presses! But, not living in a culture that had olives, they got it wrong, wrong!
14. So, what's my point? Only that life is short, and it is hard to gain a full perspective. You can't do it by doing one thing, regardless of whether it is brain surgery, factory work, advanced physics, English literature, or fine cuisine.
15. I think the only way you to is is thinking deep AND broad, taking it all in and thinking it over carefully.
16. So I share with you the books I acquired this summer, and an old favorite that I was reminded of by a Facebook Photo by my son of the rocky Maine Coast.
17. Work hard, but step back, think, and absorb as much of as you can, so you can share and learn as much as you can. It is an adventure we get to take but once!



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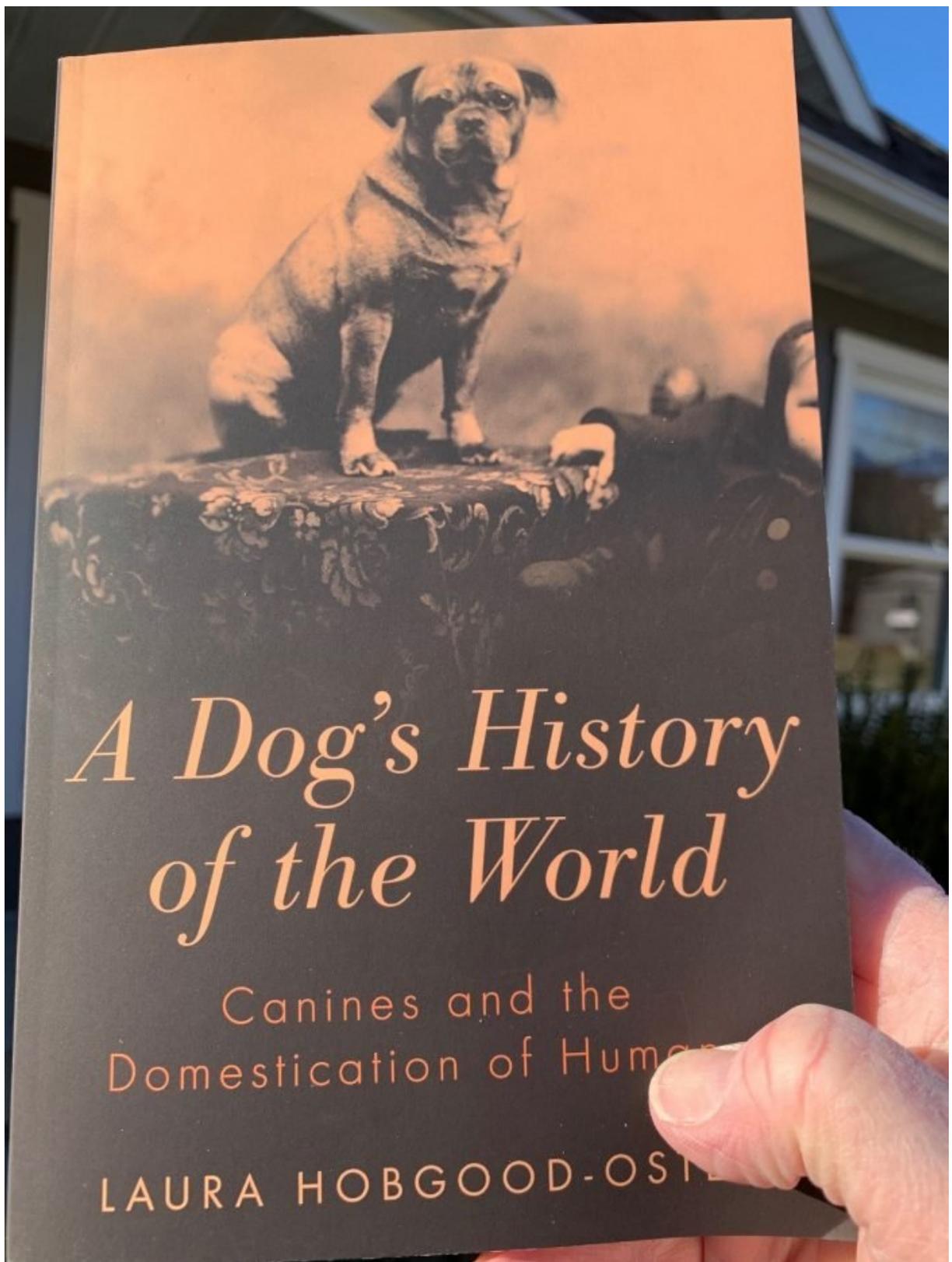


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A Gift from My Son and Daughter In Law

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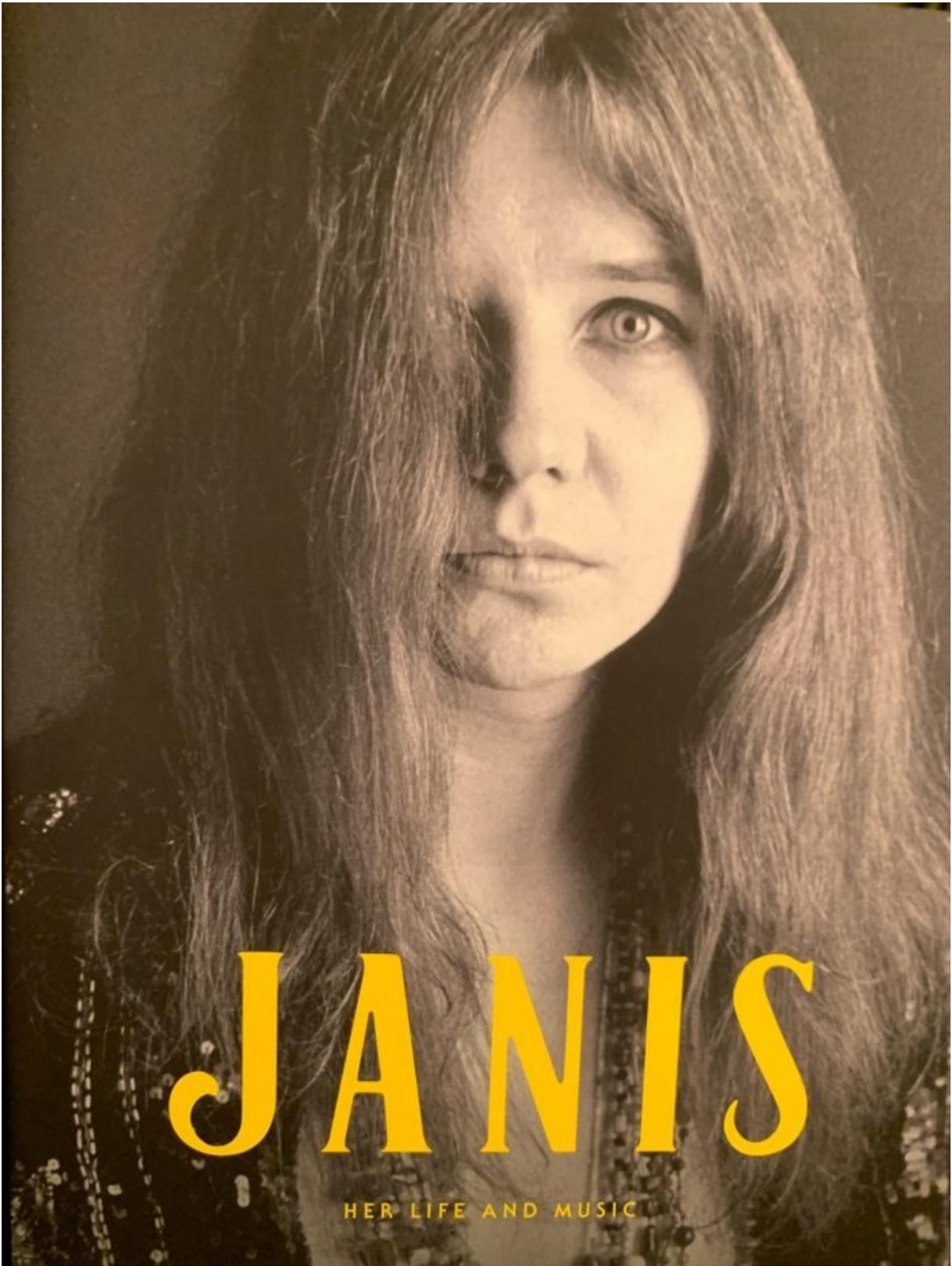
Cinca, our new friend.

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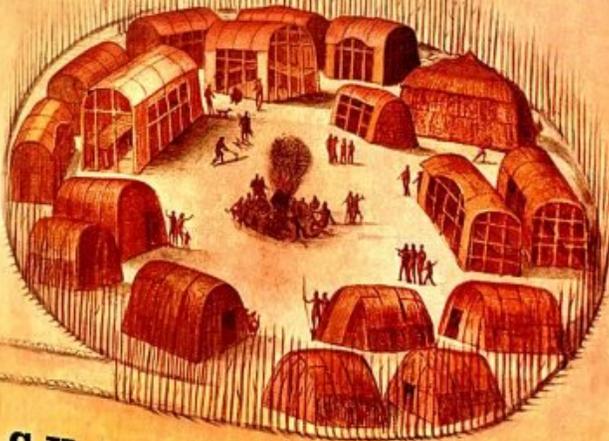




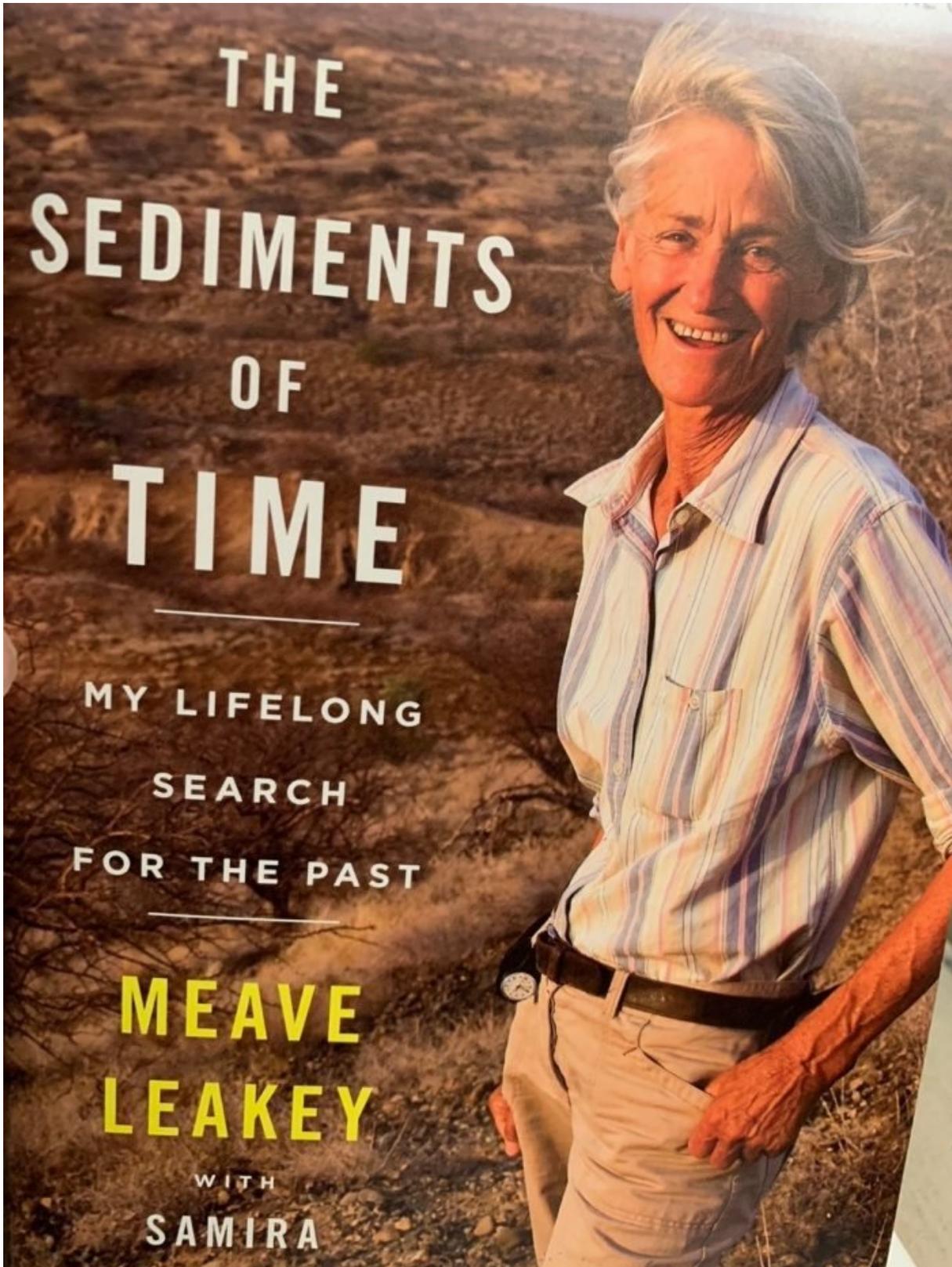
NATIONWIDE BEST SELLER

1491

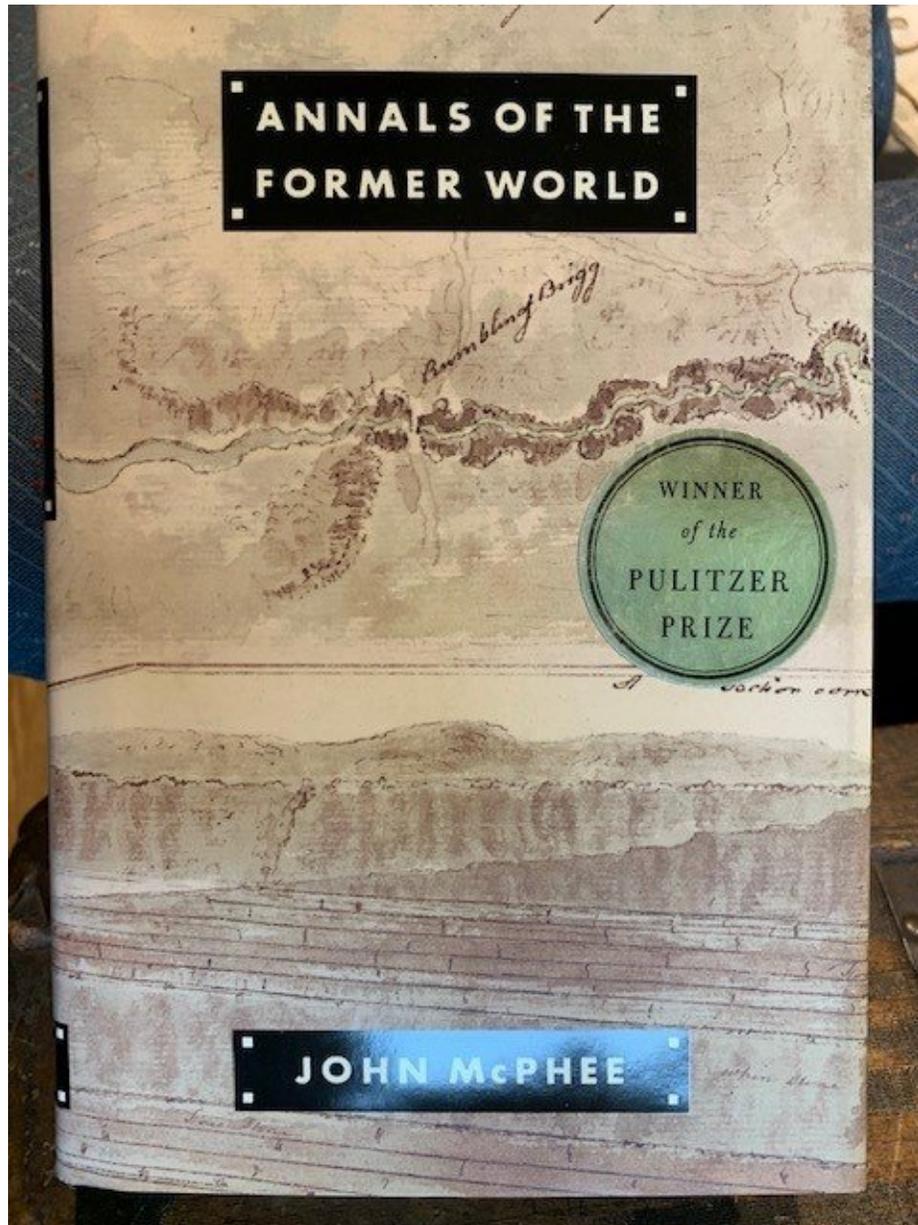
NEW REVELATIONS OF THE AMERICAS
BEFORE COLUMBUS



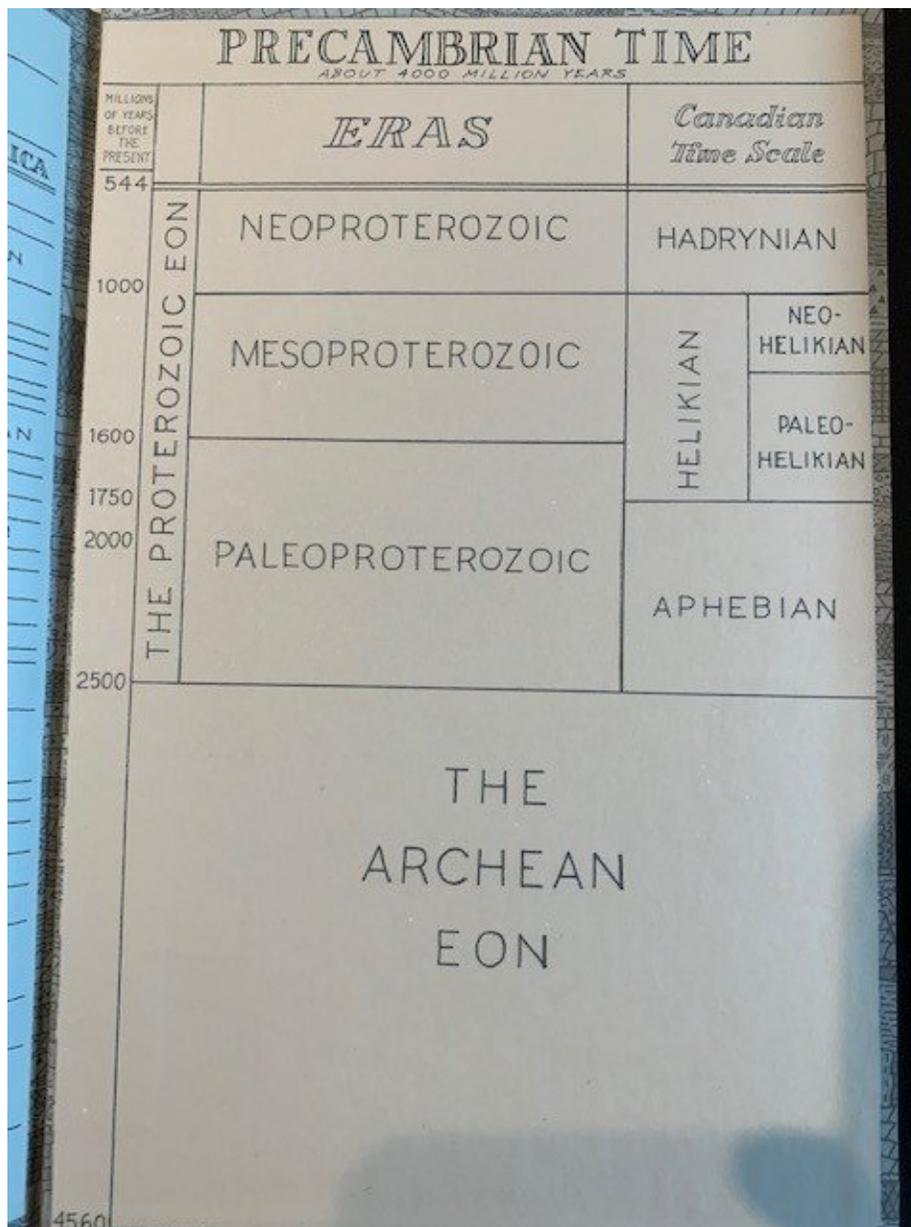
CHARLES C. MANN



[15]



[16]



NOISE

A Flaw in Human Judgment

DANIEL
KAHNEMAN

AUTHOR OF *THINKING, FAST AND SLOW*

OLIVIER
SIBONY

CASS R.
SUNSTEIN

Praise for **NOISE**

"*Noise* may be the most important book I've read in more than a decade. A genuinely new idea so exceedingly important you will immediately put it into practice. A masterpiece."

—Angela Duckworth, author of *Grit*

"In *Noise*, the authors brilliantly apply their unique and novel insights into the flaws in human judgment to every sphere of human endeavor: from moneyball coaches to central bankers to military commanders to heads of state. A masterful achievement and a landmark in the field of psychology."

—Philip E. Tetlock, coauthor of *Superforecasting*

"An absolutely brilliant investigation of a massive societal problem that has been hiding in plain sight."

—Steven Levitt, coauthor of *Freakonomics*

"This important book shows why noise matters, why there's so much more of it than we realize, and how to reduce it. Implementing its advice would give us more profitable businesses, healthier citizens, a fairer legal system, and happier lives."

—Jonathan Haidt,
NYU Stern School of Business

"The influence of *Noise* should be seismic. Deepening its must-read status, it provides accessible methods for reducing the decisional menace."

—Robert Cialdini, author of *Influence and Pre-Suasion*

"The gold standard for a behavioral science book is to offer novel insights, rigorous evidence, engaging writing, and practical applications. It's rare for a book to cover more than two of those bases, but *Noise* rounds all four—it's a home run. Get ready for some of the world's greatest minds to help you rethink how you evaluate people, make decisions, and solve problems."

—Adam Grant, author of *Think Again*

"*Noise* completes a trilogy that started with *Thinking, Fast and Slow* and *Nudge*. I encourage you to read it soon, before noise destroys more decisions in your organization."

—Max H. Bazerman, author of *Better, Not Perfect*

"Brilliant! The authors make a compelling case for why we should take random variation in human judgment as seriously as we do bias and offer practical solutions for reducing noise (and bias) in judgment."

—Annie Duke, author of *Thinking in Bets*

"An absolutely fascinating and essential book, deeply researched, thoughtful, and accessible. I began it with a sense of intrigue and concluded it with a sense of celebration. We can make better choices in business, politics, and our personal lives. This book lights the way."

—Rita McGrath, author of *Seeing Around Corners*



1. https://hunterlawfirm.net/wp-content/uploads/2021/08/11.0scar_.jpg
2. <https://hunterlawfirm.net/wp-content/uploads/2021/08/11.burtsbooks.jpg>
3. https://www.audible.com/pd?asin=B00DJUK74W&source_code=ASSORAP0511160006
4. https://www.audible.com/pd?asin=B002V10KRA&source_code=ASSORAP0511160006
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6. <https://hunterlawfirm.net/wp-content/uploads/2021/08/11.anderson.jpg>
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9. https://hunterlawfirm.net/wp-content/uploads/2021/08/11.Book_.jpg
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16. <https://hunterlawfirm.net/wp-content/uploads/2021/08/11.annals.2.jpg>
17. https://hunterlawfirm.net/wp-content/uploads/2021/08/11.noise_.1.jpg
18. https://hunterlawfirm.net/wp-content/uploads/2021/08/11.noise_.2.jpg

Our Recommitment to Excellence 2021 (2021-08-09 13:59)



More than a dozen years ago, as we were contemplating our future as we absorbed and recovered from the great financial crisis which substantially reduced our net worth and extended the path of my working life, I began my blog.

After 10 years of recovery, I finally returned my hourly rate to where it had been prior to the meltdown. Of course, my practice is a blend of hourly work and contingent fee work, but it requires of a person sound

physical and emotional health. I have been blessed with both good health and a most happy life.

20 months ago, starting with the loss of our dear dog Duffy to cancer, our world and life changed, and the 20 months have passed in a painful blur of vicious politics, painful news, fear for the future, and a hard-earned recovery.

While I believe the country will continue to have setbacks as the “anti-vaxers” resist fulfilling their responsibilities as citizens of this wonderful country, we and our staff have had our vaccines, and Nancy and I will have our boosters the minute they are authorized and available.

Alas, there will be no “cruising to the finish”.

Therefore, I anticipate the final surge and even a lunge through that professional “finish line” whether it be five, six, or seven years away. Barring a health crisis, it won’t be in our near future.

That will require a permanent commitment to the long term, low-carb, Mediterranean, low wheat, dietary plan that we have evolved into over these same last 10 to 12 years.

With luck, we will continue to live robust and active lives, focused around maintaining our property which we love, and our pets to whom we are devoted, and our family with whom we are beginning to return to a normal, close, loving relationship. We have been like ships floating in a ocean too far apart.

For our clients, they should know that slogging through a pandemic, without missing a day, staying healthy, and polishing systems which have evolved over decades, have us in a good “fighting trim”.

We have trained Courtney to be an efficient and friendly receptionist, A meticulous recorder of our billing hours, a friendly and persistent billing clerk, and our youngest “utility player”.

Her mother Faye has absorbed the training in lessons that her “nonlinear thinking” boss has put in place, checklists, ticklers, deadlines, practices and procedures, blog articles, forms after forms, and practices so that we do the right things in every case.

Over 40 years of managing my finances, keeping track of our bills, purchasing our supplies, and running both our office and our home, has Nancy well-entitled to ease up, but still willing to do what is necessary to keep track of it all.

It is been a privilege to begin with a 19-year-old rookie with two years of paralegal training, and watch Letetia mature into one of the finest personal injury, civil, and family paralegals in the state of West Virginia.

Recently, we have begun “digging down” in the ways to manage the vast amount of medical information we receive regarding our injury clients.

In a world in which every billboard shouts about the well-dressed lawyers fighting the “evil adjusters”, caring more about the clients than the other guy, and guaranteeing fabulous results, we have continued to have our share of “the pie”, using tried, hands-on, methods, somewhat lower contingent fees, and a very very diligent approach to documenting and resolving without litigation those cases that really should not be filed because they need not be filed.

In avoiding the cost of depositions, expert fees, and other exorbitant costs, the 20 to 25 % contingent fee can bring us a fair return while maximizing the net results for the individual clients.

Our network with larger firms, for those substantial and expensive cases, remains strong, so sometimes our client find they have two firms for price of one. A dozen years of blog writing, 1500 pages, and 425 articles, of “green content” information, several articles in West Virginia State Bar and West Virginia Association for Justice publications, continuing education presentations, several awards for which I am deeply grateful, and 4000 to 5000 clients, have positioned us, by adapting to and anticipating accelerating change, to be an unusual combination of experience and innovation.

While I know it will not last forever, I am privileged to be able to serve individual West Virginians in a most satisfying way.

We carefully interview and evaluate potential clients, letting those who I believe will not be a good “match” go to attorneys willing to adapt to their values and attitudes.

I don't expect to have perfect clients, nor should they expect to have a perfect attorney, but we must have clients who are willing to learn, listen, adapt, and change.

We all make mistakes, but there is a thing called "redemption", and even very flawed people can improve. Those people, committed to working with me, listening to my guidance, adapting to my methods, and trying to do the best for themselves and their families are the people that we are seeking to represent.

If you fit that description, then I believe you have found the right legal team.

And, at this stage of my career I don't intend to leave much back there on the playing field.

I am going to try to take each case as if it might be my last, to serve my clients, to appear respectfully and professionally before our judges, to keep our costs down, and to give our clients the best chance for recovery from one of the worst times of their lives.

That is our pledge to you.

1. https://hunterlawfirm.net/wp-content/uploads/2021/08/11.jbh_.07.02.21.jpeg

2.6 June

Some Useful Tech Tips: Document Assembly and Tasks (2021-06-22 13:02)

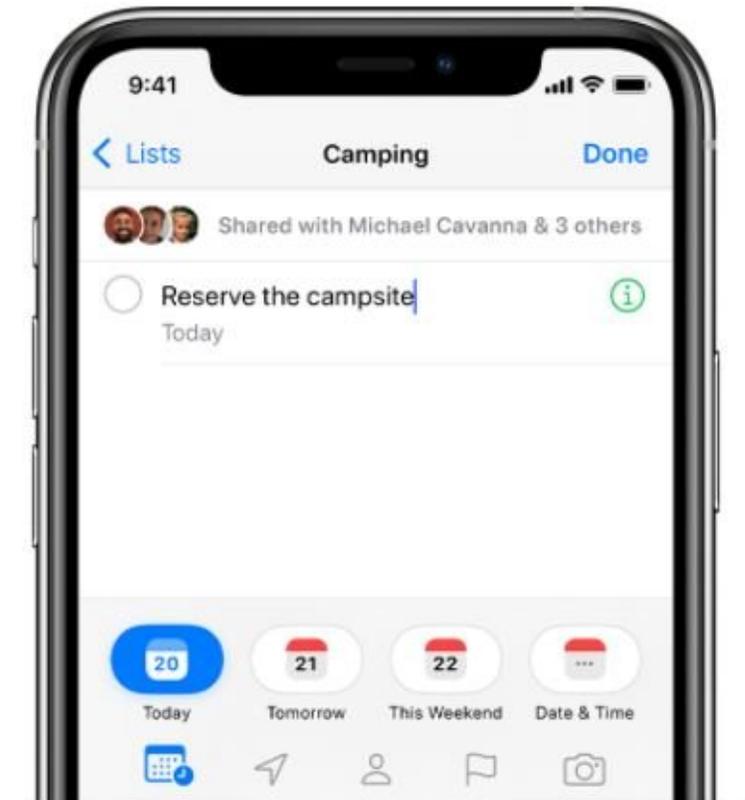
[1]



I like what works. I need tools. Here are a few.

USING SIRI FOR E-MAIL AND REMINDERS

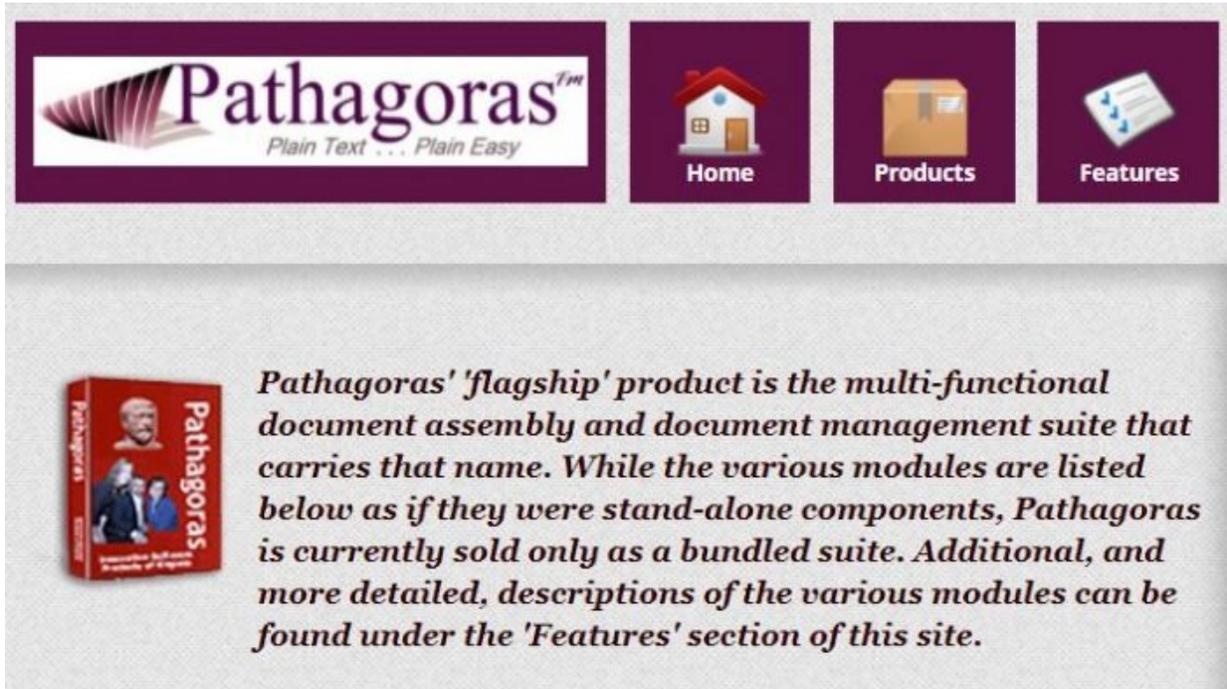
1. On a whim, I asked Siri to send an e-mail to my paralegal, "Remind me to call Client Smith".
2. The email server popped up (I use Outlook.) with my message to my paralegal.
3. But since Siri couldn't spell my paralegal's name, I had to type in a couple of letters.
4. So, keep your contact list current, and have your own profile complete with a current photo.
5. I typed in two letters, autofill took over, and the e-mail to my paralegal was sent, while I was reclining in my chair. It's that easy.
6. And, of course, you can ask Siri to alert you with "reminders". I am trying to figure out how to sync Reminders with "To Do". Not quite there yet. But I use them both.
7. [2]



8. DOCUMENT ASSEMBLY WITH PATHAGORAS

9. My "go-to" document assembly engine is a plug-in to Microsoft Word. But it uses only Word commands, and does not require programming training.
10. It is called "Pathagoras", [3]<http://www.pathagoras.com>.
11. Its founder/creator, and my friend, Roy Lazris, responded to my plea for help, with a **GoToMeeting** training session. Yep, he really does those.

12. He showed me how to create a "dropdown list" of my favorite templates, how to "process" the form before "populating" it with the client's information, and how to add that information and produce a near-perfect standard document, such as a petition, motion, agreement, or order. It is almost magic. It is reasonable in cost and well-supported. I used these forms during client interviews. I have a screen for the client to follow along.
13. [4]



14. "MICROSOFT TO DO" TASK APP

15. Microsoft is "getting there" with its "task app", "Microsoft To Do", Formerly "Wunderlist", Microsoft Purchased Wunderlist in 2015, seemed to have lost interest, but announced a transformed "To Do" in its place in 2017.
16. Unfortunately Microsoft's Outlook 365 "Tasks" is just too clunky for efficient task management.
17. "To Do" has evolved into a robust application that now allows you to "flag" an e-mail and send it directly to the "To Do" task list. **That makes ALL the difference!**
18. From there you can edit the task, establish subtasks, set alarms, and change priorities.
19. A few minutes every day can give important structure to your work habits.
20. I try to follow "The Eisenhower Method", which I cover in a prior blog post: [5]LOW TECH - PRIORITIZATION - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)
21. **"To Do" can sync to all your devices.** I use a Dell Laptop with Windows 10, an iPhone Xs Max, and an iPad air.
22. **EVERNOTE NOTE MANAGER AND TASK MANAGER**
23. I still like, not love, Evernote. I have an Evernote e-mail address, so I forward or or "copy to" my personal e-mails to Evernote. It goes into my default e-mail folder as a note. The key is that everything in Evernote is fully searchable.

- 24. Just type, "Cousin Fred", "Password Reset", or "Kanawha Forest", into Evernote's robust search engine, and you will have it pop up immediately.
- 25. I just got an e-mail that "Evernote Tasks" has Improved; can't confirm that yet, but check it out if you are an 'Evernoter'.
- 26. Here is a short video of its features: [6]<https://youtu.be/sbtE9AVySwg>
- 27. [7]



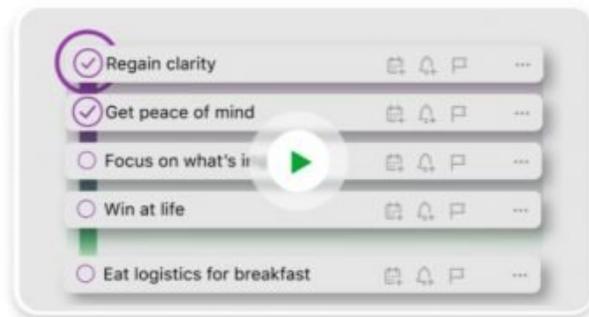
28. THE "TODOIST" TASK APP

- 29. Many people prefer the task app "Todoist." It has announced a new version. **The Key will be if you can e-mail tasks to it. It should not be a problem since Evernote actually creates a default e-mail address for you to send e-mails that turn into notes.**
- 30. [8]

Turn to-do into done with Tasks

Stay on top of it all by creating to-dos in your notes and managing them your way.

[DOWNLOAD TO TRY TASKS](#)



31.

32. [9]

Organize it all with Todoist



33. But, remember, the leviathan Microsoft is the owner of To Do.

34. GETTING THE MOST OUT OF ZOOM OR MICROSOFT TEAMS

35. Finally, these are items I bought by an expert in operating Zoom meetings and hearings. I ordered them all, below:

36. [10]

Delivered June 8

Package was left inside the residence's mailbox



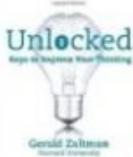
IPEVO Uplift Multi-Angle Arm for Smartphones, Multi-Jointed Phone Holder for Visual Communication and Presentations, Small Footprint Smartphone Stand for Remote Work and Distance Learning.

Return or replace items: Eligible through July 8, 2021



Buy it again

View your item



UNLOCKED: Keys to Improve Your Thinking

Return or replace items: Eligible through July 8, 2021



Buy it again

View your item



IPEVO V4K Ultra High Definition 8MP USB Document Camera — Mac OS, Windows, Chromebook Compatible for Live Demo, Web Conferencing, Distance Learning, Remote Teaching

Return or replace items: Eligible through July 8, 2021



Buy it again

View your item



Blue Yeti Nano Premium USB Mic for Recording and Streaming - Blackout

Return or replace items: Eligible through July 8, 2021



Buy it again

View your item

37. SOME "LOW TECH FUNDAMENTALS" BONUS TIPS

38. I hope you find something of use to you in this post; but just in case, here are "Low Tech Fundamentals" that every productive professional should consider: [11]Low Tech Fundamentals of Running a Law Office - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

39. Good luck!

1. <https://hunterlawfirm.net/wp-content/uploads/2020/04/StSimons.jpg>
2. <https://hunterlawfirm.net/wp-content/uploads/2021/06/ZoomKit6.jpg>
3. <http://www.pathagoras.com/>
4. <https://hunterlawfirm.net/wp-content/uploads/2021/06/ZoomKit4.jpg>
5. <https://hunterlawfirm.net/low-tech-prioritization/>
6. <https://youtu.be/sbtE9AVySwg>
7. <https://hunterlawfirm.net/wp-content/uploads/2021/06/Zoom7.jpg>
8. <https://hunterlawfirm.net/wp-content/uploads/2021/06/ZoomKit7.jpg>
9. <https://hunterlawfirm.net/wp-content/uploads/2021/06/ZoomKit3.jpg>
10. <https://hunterlawfirm.net/wp-content/uploads/2021/06/ZoomKit-1.jpg>
11. <https://hunterlawfirm.net/low-tech-fundamentals-of-running-a-law-office/>

2.7 May

Personal Injury Claims: Five Myths (2021-05-13 21:17)

[1]



FIVE MYTHS REGARDING YOUR PERSONAL INJURY CLAIM

Among many subjects that people think they understand, but really don't, are personal injury liability claims. These are claims brought against insured persons for mistakes that cause injury to the claimant.

The most common injury claim is a collision claim, car, truck, motorcycle, or 4-wheeler. Claims can be brought against the driver of the other vehicle or the driver of the vehicle in which you are the passenger or both. There can be claims against a stranger or "friendly" claims against a family member or friend limited to the amount of liability insurance coverage.

More problematic are claims for injuries sustained as a result of "slip and fall" in retail stores or public places, injuries sustained in the home of an insured homeowner, or claims for injuries resulting from defective products. This article applies to them all. They can be settled but are harder to settle than a clear-fault collision. Then there are "mass-tort" claims, nursing home claims, and medical and legal malpractice claims, but we won't focus on them here.

Here are the myths and the truth:

I. The Insurance Adjustor is Your Enemy

If you are properly represented, the insurance adjuster may be "your best friend". A good attorney can document your claim and help the adjuster justify a substantial payout. It is important to find a good lawyer as soon after the collision as possible. That increases the chance of a settlement without a lawsuit.

However, if you are trying to settle your own claim, remember that the adjuster is paid by the insurance carrier to pay as little as possible. They tend to pay at least double to represented parties because they know you can sue them, which means more in YOUR pocket and less chance of a suit.

II. Personal Injury Lawyers Always Take at Least One Third

If liability (fault) is questionable, or you wait too long to hire a lawyer, the fee may be 1/3 or higher because a suit has to be filed.

But, unlike "slip and fall" or "product liability" cases, fault in collision cases is likely to be clear, and I accept just 20 % of the sums recovered when "fault" is admitted and 25 % where "fault" is disputed but settlement occurs without filing suit. This is NOT true for most personal injury firms, which tend to charge 1/3 (33 1/3 %). It is my "competitive edge", and it works because we have a great staff and system.

Also, remember the term "subrogation claim". That's the claim your medical insurance provider asserts for paying your medical bills. Your medical insurance contract requires you to reimburse your insurance when you collect from "the tortfeasor." Your attorney can usually negotiate a significant discount of the subrogation claim, putting more money into your pocket.

III. If I Hire a Lawyer, I Will Get Stuck in a Lawsuit

If you don't hire a lawyer, you will have to accept whatever the insurance adjuster offers or hire a lawyer. Hiring a lawyer just weeks or months before the "statute of limitations runs" may allow valuable evidence to be lost, memories to fade, or witnesses to move away. That's when the chances of a lawsuit multiply. Just call me! I'll even visit you in the hospital or your home. That's when our documentation plan will begin; not when it is too late!

IV. I Can Settle My Own Case

See my comments immediately above. The adjuster knows that a "self-represented party" lacks the ability to prosecute a lawsuit. She/he knows that being friendly and helpful will lull you into a "false sense of security". But that "friendly and helpful" adjuster will hold tight to the cash if he knows you are likely to "settle cheap". The insurance company exists to make a profit; every dollar kept is a dollar earned.

I don't mean to "over-explain" this, but with over 40 years of experience, I know myriad ways to document and argue your case; medical records, lost wage and benefit statements, your daily diary, "lay witness statements" from your family and friends, and solid arguments relative to "fault" and to the seriousness of your injuries are just some of the tools we use.

And for people who say, "I just want my bills paid.", you need to know that a valid claim may be 3, 5, 10, or 25 times the "out of pocket" costs. Besides your bills and lost wages and benefits, your claim includes your pain and suffering, which may be immense; also, your mental anguish, which may include "P.T.S.D.", post-traumatic stress disorder. P.T.S.D. and other injuries can last a lifetime, as can your vulnerability to future injury. So don't risk it! Seek proper compensation.

These permanent injuries, symptoms, and impairments multiply over the years as do, disfigurement and loss of a limb or bodily function which may cause your life to seem not worth living. A good lawyer helps you give voice to these many factors so you can focus on your recovery.

V. People Who File Personal Injury Claims Are Greedy

This is a myth fostered by insurance companies and "big business". For decades they have funded media campaigns and planted "news" stories that exaggerate and hype various claims as increasing your insurance and even endangering our way of life. Yet, the whole purpose of insurance is that relatively small sums are paid by a large number of people so that the smaller number of persons who are injured by another's fault can be compensated. It is our "civil justice system". It is a system that works.

People who file personal injury claims are your family, your friends, your neighbors, and, someday, sadly, maybe you. And when meet your lawyer for the first time, you will stress that you aren't like "those other people".

You might be surprised to know that most people just want to recover and get back to normal. No sane person gets injured so they can get money. Invariably, they agree they would never endure such an injury again if they could avoid it, no matter what the "payoff"!

SUMMARY

So, forget the myths, give us a call, and give us a chance to answer your questions. Once we have, we are confident you will want us in your corner helping you avoid a lawsuit, a trial, delay, and expense.

1. <https://hunterlawfirm.net/wp-content/uploads/2012/03/VintageOffice2.jpg>

2.8 April

Unbundling, Limited Scope Contracts, Legal Coaching, Ghost Writing, and Mentoring
(2021-04-15 18:53)

[1]



What's the next best thing to free legal information, as in my blog? How about a low cost (\$500) "legal coach" or "ghost-writer"?

Here, below, is a link to 17 blog articles that describe my unbundled services! You have nothing to lose!

What subjects? How about a "Legal Checkup" for a will, power of attorney, medical power of attorney, or living will? Or, a meeting to discuss and create a game-plan for a contested Family Court matter, or disputes with neighbors, rights of way or boundary line disputes, or a totally free consultation about an accidental injury?

Unbundled services can be helping you to fill out forms, ghost-writing a pleading, providing to you a complete set of the statutes, forms, cases, and rules that govern your case, or being a phone call away if you want to handle our own mediation with "a coach".

Such coaching will also let you attend a hearing with confidence, or perhaps show you why you DO NOT want to assume that risk without a lawyer at your side.

And, of course, an unbundled service may include help in mediating your case.

Good lawyers are limited only by their willingness to innovate.

Fortunately, WV now allows such "limited scope" legal services. It is something you, both, "CAN AFFORD" and "CAN'T AFFORD TO PASS UP".

[2] <https://tinyurl.com/wvh5vxn7>

1. <https://hunterlawfirm.net/wp-content/uploads/2021/04/11.BurtNancyAnniv.jpg>

2. <https://tinyurl.com/wvh5vxn7>

2.9 March

Guardians and Conservators (The Time May Come) (2021-03-24 15:56)

[1]



A search of my blog reveals that I have not written an article solely devoted to the subject of **guardianship** and **conservatorship**. It isn't a sexy subject. Lawyers don't advertise their services on billboards.

You don't need a "Tiger" or "Bulldog", and the lawyer's hair does not have to be "puffy". And you don't need a lawyer with an oversized ego.

What you need is a lawyer with competence, compassion, a good staff, an understanding of people, and a good perspective on life.

There should soon be a wave of new petitions for guardianship and conservatorship as the children of WW II and the early "baby boomers" begin to struggle and need help in meeting their personal and financial needs.

Think of "**conservatorship**" as the management of the protected person's property, her or his "estate", and of "**guardianship**" as management and protection of the person.

A "**medical power of attorney**" is a lesser version of guardianship. It is limited to medical decisions

that the protected person is no longer aware enough to make.

A "**durable general power of attorney**" is a written consent by a person of any age to another person authorizing them to sign their name to legally binding documents. It goes into effect immediately, but it stays in effect if the person becomes impaired. That's why it is "durable".

Such "**attorneys in fact**" have a powerful "**fiduciary responsibility**" to put the "principal's" needs above their own. That is the critical component.

There is a tendency to put things off, to use joint checking accounts to manage finances, to put-off making a will, until the subject, later called "the protected person", is no longer competent to make a will.

That "**hazy stage**" is when "bad actors" sometimes appear and take advantage. People at this stage of life aren't resilient enough to say "No." and often say "Yes." to the last person they've talked to.

What amazes me is the tension among siblings. Jealousy, issues from childhood, the suspicion that one or the other has taken advantage of Mom and/or Dad. It can build into a situation where siblings never speak again.

I won't quote fees here, but often the protected person's estate can pay the fees. We charge a small retainer and work on an hourly rate.

Let's just say that even a contested guardianship or conservatorship is a lot cheaper than a will contest or suit over the alleged, fraudulent conveyance of real estate. The desired result is to build a wall of protection around the protected person.

A little preparation, transparency, and communication can avoid a contested petition. But, at other times, WV's criminal statute for "financial exploitation" comes into play, or a person who holds a "power of attorney" or conservatorship uses that position for self-promotion or advantage, such as deeding property to themselves or terminating a "transfer on death deed" that Mom or Dad signed and recorded **before** they became infirm or incompetent.

Such behavior or alleged behavior can lead to bitter and expensive litigation.

I suggest these guidelines:

1. Don't wait until Mom or Dad, Gram or Gramps, are too frail to make their wishes known.
2. If you are the "local" person, the one who sees them every day, do not act like you have something to hide. Share the information about your folks' finances, or difficulties.
3. Collaborate with siblings where possible.
4. Don't be greedy; is getting a car, or a gift, or a few acres of land worth showing a lack of respect for your parents, a failure to honor their wishes, or becoming estranged from siblings so that the next generation of "cousins" have to choose sides?
5. If you are the person who has begun to fail, do not wait! Think, plan, make your wishes known in a general power of attorney, special power of attorney, medical power of attorney, living will, and last will and testament.

6. In making your last will and testament, do NOT micromanage. Don't require your son to return and "till the soil" as a condition for getting a fair share of their inheritance. Do not try to control others from the grave!
7. When it can be justified, **after your spouse**, treat your heirs equally. There may be one or two more deserving, but perhaps they will understand that keeping the peace is worth something too.
8. Once you are enfeebled, fearful, anxious to please everyone, and depressed, and diminished, you may have lost the golden opportunity to manage your transition to "what's next?". In that case, rely on the person(s) you trust the most. And don't think you can please everyone all the time.
9. **Young or old, don't let that happen. A visit, especially some private time, with an experienced attorney and perhaps a financial planner can save your family an immense amount of grief. We will be happy to fill that role.**

1. https://hunterlawfirm.net/wp-content/uploads/2021/03/11.Burt_.jpg

Ideas to Improve the "One Size Fits All WV Child Custody Bill", HB 2364 (2021-03-24 13:14)

I just sent this letter to each member of the WV Senate Judiciary Committee and staff on the Pending Child Custody Bill:

Dear Senator _____:

Thank you for considering input on HB 2363. I have been asked to say something constructive, from the perspective of 48 years as a practicing lawyer.

1. I am mailing you my book, "Perspectives of a Small Town Lawyer", nearly half of which focuses on family law, mediation, and negotiation.

2. Even if you have your staffer peruse it, it is my measured view on the general subject. It contains some good ideas.

3. I attach here a few of my chapters. I suggest "The Maze of Child Custody in WV", a look Prior To our current law that removed the requirement for "caretaking functions" calculations. It ain't simple.

4. I also include my two articles on "winning" a child custody case by showing you can involve the other parent in the lives of the children.

5. IF there is going to be a presumption in favor of 50 %/50 %, please leave incentive for parties to mediate and solve their differences.

6. If we established lawyers are to be kept out of the mediation pool because the “sliding scale” is so low, at least consider increasing the rates charged and paid, as the “slave wage rates” have reduced the pool of capable mediators.

7. Give some guidelines on what impacts “the best interests of the child” such as an ability to mentor the children in their education, to monitor their health and obtain proper treatment, and the ability and willingness to be transparent and involve the other parent in the lives of their children.

8. IF a parent, prior to separation, has refused to be involved in the lives of the children by spending lots of time “out”, working, “working away”, hunting, fishing, or “drinking with the boys or girls”, force that parent to demonstrate a new commitment to change his/her focus onto the children.

9. Let’ not let this be the “Paternal Grandparents’ and Girlfriends’ Child Custody Act”!

10. Sniff out and deal with the parent who seeks 50 %/50 % in order to avoid a child support obligation. That's not a good enough reason.

11. Please don't remove discretionary powers of our very capable family court judiciary to sniff out the facts and apply them to each case.

12. Fund the appointment of guardians ad litem (lawyers for the children).

13. Don't require a fee waiver for parents who clearly can't afford their lawyer and to pay for a guardian ad litem.

14. And, I pray, streamline and improve the mediation process. I've attached my suggestions in that regard.

Sincerely,

J. Burton Hunter III

A Recent Honor: Client Champion 2020 (2021-03-08 20:40)

[1]



Isn't it wonderful that every insurance company can save you \$500 by switching to them, every burger joint has the best burgers in the land, and every lawyer is the toughest and smartest on earth?

That's what we would have you believe.

The truth is much different. One-half of every profession and product is below average. Only 10 % of lawyers are in the top ten, and a lawyer who is good at some things may not be as good for the service you require.

So, how do you find the right lawyer? In personal injury and family and civil litigation, you can just Google us. Bigger budgets of course can provide greater visibility. And then there are the reviews. I invite you to Google "Reviews of J. Burton Hunter III". I am proud of them. They are real reviews by real people.

A family law lawyer, especially, is vulnerable to a disgruntled client or adversary. Emotions run very high, and the lawyer can only influence the judge's ruling in a certain percentage of cases. But, even when results are less than what the client wants, it is still important that they feel the lawyer cares, that the lawyer

and his/her staff are courteous and attentive to detail, and that they put your children first.

A good lawyer keeps you informed and explains things in a way you can understand. In our case, we back it up by giving you forms, handouts, instructions, and even a kit to help you gather the facts to support your view of the facts.

Promoting one's self seems a lot like bragging to me. So, I apologize for that, but here's what we "bring to the table":

1. 48 years' experience, and the intellect and energy to apply that experience to your benefit.
2. Many good reviews from people we have represented. We aren't afraid to ask for a review, and I incentivize my staff to ask, but the client receives nothing for the review but our thanks.
3. An experienced staff of four, two paralegals, a receptionist/billing client, and an office manager/bookkeeper.
4. It is a good team. We are deeply committed to serving you.

Above is an image of a plaque I received which reflects my A+ rating from the company Martindal-Hubbell. It is not an easy rating to earn. I am proud that I have had this rating for ten years or so based on the opinion of our colleagues and our clients.

I am the recipient of our WV State Trial Lawyers' Organization "President's Award" and "Member of the Year Award" in 1994 and 1995 respectively.

I served four years as Assistant Judge Advocate in the U.S. Air Force JAG Corp, where I received the Air Force Commendation Medal. I have served on the WV Association For Justice Board for over 25 years and served my stint, 3 years, on the Board of Governors of the WV State Bar, where I revitalized the WV High School and Middle School Video Competition. I have volunteered for 20 years as a board member, vice-president, and President, of the Upshur County Senior Center; served on the Board of Progressive Bank for 20 years, coached youth soccer for seventeen, and organized and supervised the operation of "Peoples' Law Schools" in Upshur County and WV for five years. My wife and I are long-standing members of Chapel Hill United Methodist Church and the Chancel Choir.

By serving our community, we have demonstrated that we can well serve you.

I have negotiated hundreds of personal injury settlements, most without having to file suit, charging, on average, 25 % less per case than the other guy, or gal, and I have represented thousands of litigants in family law matters. Before giving it up, I represented many defendants in criminal cases, and was an Air Force Prosecutor, Defense Counsel, and Claims officer.

Here is something I challenge any colleague to match. My blog, [2]www.hunterlawfirm.net/blog , contains 1500 fully searchable pages (450 articles) on myriad subjects. That content is available to you for free. Check it out.

Then there is that most reliable of guides, "word of mouth" .

Ask the people in my community which lawyer comes to work at 7:00 a.m., who has a reputation for

honesty and character, who has the guts to cope with your particular "bully", and who has the "smarts" to teach you and put together a game plan for success.

If you do your homework, I am confident you will be confident in coming to us for your matter.

1. <https://hunterlawfirm.net/wp-content/uploads/2021/03/11.clientchamp-scaled.jpg>

2. <http://www.hunterlawfirm.net/blog>

Cancel Culture Goes After Dr. Seuss; Who Will Be Next? (2021-03-03 15:00)



Dr. Seuss is a favorite of mine. I have even performed as Horton;
[2]<https://photos.app.goo.gl/GbqMKXkWUU8pavkx7>

Particularly, Horton Hatches an Egg.

<https://youtu.be/cEpVjjROCUY>

In reading his books now, his insights were prescient. He showed how identical creatures, with a difference being that one group had spots and the other group not, could form powerful prejudices based on that

alone.

In "Horton Hears a Who", he demonstrated that the tiniest, most insignificant, beings had worth, and their world was worth exploring.

Did he, in the '30s, '40s, or '50s portray a caricature of an ethnicity or race that is now deemed offensive stereotypical? How could he not? Can we expect that he bear no reflection of his time or his history as a German in WW I?

Should he be removed from our history in place of a sanitized "black history" that removes any negative facts about that group and makes anyone who suppressed them into monsters? Are white people inherently more evil than black? Can either be called evil? Are we not all human beings?

The liberal left says "no" to Dr. Seuss! That only helps their push for power and leaves people in the conflicted middle. The left and the right each say their group is better, by color, ethnicity, belief system, or political view. We in the rational middle know differently.

So, too Mark Twain, one of the most revolutionary books of our day, showing a white boy helping a black man escape slavery because he calls his friend Jim the "N" word without the slightest intent to insult or impugn. Have we gone culturally insane? Is there nothing called "context"?

The left will sanitize and suppress free speech in the name of "decency" when only one group is deciding what is decent. The radical right does the same thing.

I say that Dr. Seuss's books, even early ones, should survive, and children need to be taught history, geography, natural history, philosophy, and the rest, not just CODING!!! Barack was wrong in pushing for two year degrees; it is condescending to assume blacks and poor whites and Latinos need to "know their place" and "settle" for two year associate degrees or only "public" and not private advanced degrees. Elitism takes many forms. I am for an elite of rationality and tolerance.

Indeed, I am "Mad as Hell".

1. <https://hunterlawfirm.net/wp-content/uploads/2021/03/1Horton.jpg>

2. <https://photos.app.goo.gl/GbqMKXkWUU8pavkx7>

2.10 February

A Pending WV Family Law Catastrophe (2021-02-23 21:37)

[1]



This is the letter I wrote today to WV Senate Judiciary Committee Chair Charles Trump and copied to the entire Senate.

Please consider writing to your senator and delegate and as them NOT to vote for this terrible bill.

Dear Chairman Trump:

1. I am writing you and copying House Chairman Capito and all other West Virginia senators and delegates because you and I have partnered in the passage of two of the most important West Virginia family laws in history. **I beg you now for your help!**
2. More recently, five years ago, you, and House Judiciary Chair, John Shott, came to the aid of West Virginia families by co-sponsoring, **"The West Virginia Family Law Restraining Order Law"**. I was privileged to be co-author, with West Virginia attorney Thomas O'Neill, then counsel for the Senate Judiciary committee, of this important bill at a time our West Virginia Supreme Court had made a ruling which, in effect, said that West Virginia family courts could not maintain order and restrain outrageous behavior unless it rose to the level of domestic violence. It was a terrible ruling, but we fixed it!
3. Here is the story of that bill: [2]WV Senate Bill 430 - The Law That No One Heard Of - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)
4. Against long odds, that bill passed from each Judiciary committee without a negative vote, passed each chamber without a negative vote, and was signed by Gov. Justice.
5. Such bad behavior is often a precursor of domestic violence, so I know you agree with me that we saved West Virginia families from experiencing much violence and even death, while keeping many people from suffering the stigma of a domestic violence finding.

6. 20 years earlier, I suggested to my dear friend, and your colleague, Upshur County Delegate Dale Riggs, that we model a West Virginia statute on California's new "Stalking Law". When West Virginia State Bar Family Law Committee Chair Lyne Ranson, Charleston attorney Rusty Webb, and I met with you to discuss our bill, you shared with us that you and Dale Riggs, who was Lyne's uncle, collaborated in the passage of that law, which I also has saved lives.
7. **Now there is pending before your committee, or before the legislature, an abomination of a family law bill amending Chapter 48.** As you may recall, I have practiced family law and trial law in West Virginia for 44 years after serving as a member of the USAF JAG Corps for four years.
8. I have represented litigants in thousands of family law cases with approximately a dozen fatalities, eight suicides and four homicides that touched my practice, and many threats.
9. Family courts and Family Court litigators and Family Court litigants are being crushed by the drug crisis and the pandemic. Good lawyers are "dropping like flies".
10. One solace is the option of family law mediation, where parents can negotiate parenting plans and property settlement agreements based on the concept of "best interests of the child".
11. I represent an equal number of men and women. I am in court dozens of times a year.
12. Here is an assessment, slightly paraphrased, of the pending litigation by a dedicated family law attorney and mediator who fights for the children rather than a gender-based, or a radical conservative, philosophy.
13. That lawyer\mediator stated:

It's beyond the typical "man-scorned" bill. It hamstring Judges from using discretion when the "rebuttable presumption" can be overcome. It prohibits hearings by proffer. It modifies (the already modified this session) relocation statute to make it near impossible to relocate. It allows anyone who has a less than 50/50 plan to petition to modify to a 50/50. It allows third-parties to seek custody. At the committee meeting they said the expectation is that all temporary orders will result in a 50/50 parenting plan.

Someone also posed the question as to what the expectation would be if someone (a man) abandons his children then comes back and petitions to modify....yep...50/50.

It will totally inhibit parties from reaching agreements in mediation. It will also result in more "abuse and neglect" petitions on the grounds of abandonment which are not typically filed now if there is a parent properly caring for the children.

It is just not well-thought-out. It impacts many other code sections. It does not promote proper co-parenting. It promotes nasty litigation.

They need to change the name because it is most definitely, "Not a Best Interests of the Child bill."

1. Senator Trump, I am a father of four and a grandfather of six. I assure you, especially if you likewise are a parent and/or grandparent, that every person who votes for this bill must realize that they are condemning

thousands of children, for the foreseeable future, to grief, conflict, hardship, violence, bitterness, hatred, and conflict in their lives that a more enlightened bill, or just keeping the flawed bill we have, (which actually sort of works), could help to avoid.

2. Please set aside partisanship or misguided and wrong-headed "father's rights" or "grandparents rights" concepts and focus on something like bringing West Virginia out of its deep, dark, depression.
3. The two bills I mentioned above are part of **your legacy** as a West Virginia delegate and Senator.
4. If you permit or, God Forbid, promote the passage of this bill, that legacy **will be tarnished forever**.

Yours very truly:

J. Burton Hunter III

1. <https://hunterlawfirm.net/wp-content/uploads/2015/04/StateCapitalBldg.jpg>

2. <https://hunterlawfirm.net/the-wv-senate-bill-430-now-a-law-that-no-one-heard-of/>

Family Law in WV: A Deep Dive (2021-02-19 19:13)

[1]



FAMILY LAW IN WEST VIRGINIA: A DEEP DIVE

JURISDICTION

Family Court

West Virginia Family Courts share jurisdiction with the Circuit Court in each county. Family Court is the primary trial court in most “family law” matters.

Family courts hear petitions for divorce, petitions for paternity and allocation of parental rights, petitions to modify court orders, petitions of contempt, domestic violence final hearings, and some guardianship matters.

Circuit Court

Family courts do not hear adoptions or juvenile delinquency petitions or juvenile abuse and neglect petitions. The Circuit Court has sole jurisdiction over those.

Other than small claims matters in magistrate court, there is no court that hears a larger percentage of self-represented, or "pro se", cases than does the Family Court.

Representing one's-self in Family Court is fraught with risk.

“Unbundled Legal Services, Ghostwriting, Full Legal Consultations, and “The Legal Checkup”

The massive problem of self-representation is one of the reasons that I developed a product that I call "a full legal consultation". Other names are "legal checkup" or "an unbundled legal service".

Advantages of “Unbundled Services”

Sixteen (16) of my blog articles mention the term “unbundling”. You can access them by going to my blog and searching for “unbundled”. [2]www.hunterlawfirm.net/blog

The unquestioned “Father Of Unbundling Of Legal Services” is an adjunct professor and attorney Forrest Mosten: [3]<https://law.ucla.edu/faculty/faculty-profiles/forrest-s-mosten>

"Unbundling" is relatively new and undeveloped in WV. This lawyer is trying to change that

The “unbundled” consultation has several advantages:

While “unbundled services” is not “full representation”, the client initially assumes no responsibility for a fee greater than the minimum, usually \$500. It is definitely a “win-win” product. A related term is "legal coaching".

For the person who absolutely cannot afford full representation, it gives them access to "ghost-writing" of pleadings, correspondence, and witness statements.

We are also able to provide such clients copies of relevant case law, statutes, Family Court rules, rules of evidence, and specific forms designed to supplement the "standard forms" which are available at the circuit clerk's office so that the litigant can be properly prepared. Our supplemental forms and instructions are very

helpful.

More often than not, such a consultation reveals to the client the complexity and risk of "going it alone". So we often become the attorney of record. I would NEVER minimize the importance of "full representation"

Complications of the Pandemic and Opioid/Meth Epidemic

Speaking with an experienced attorney can give a litigant insight into how a particular court has been impacted by the Covid 19 Virus and how best to negotiate "the maze" of family law. Each Judge has her/his method of implementing the WV Supreme Court's emergency orders, and its own rules.

This article is being written one year into the **Covid 19 pandemic**. The court system is under great stress. Many attorneys and judges have become infected. All are heavily stressed. The majority of hearings have to be conducted remotely. Trials have been delayed, and some hearings have been scheduled six months in advance.

Here is an article I wrote in Nov. 2020, "Lawyering During a Pandemic..": [4]Lawyering During a Pandemic, And Finding the right lawyer in 2020-21 - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

The Range of Divorces (length of the marriage, children, property, and debts)

Divorces can range from:

- a. a one-year marriage of a young couple without children and with little property of debts;
- b. to a marriage over 10 years with several children, assets, and debt;
- c. to a marriage of 30+ years, with no infant children, substantial real estate and personal property, retirement benefits, and debt.

Rarely, usually in a marriage in later years, the parties may need "**A Permanent Legal Separation**" ("Separation from Bed and Board"), either because of religious views or the need of one of the spouses to remain entitled to the other spouse's employment benefits such as medical insurance.

Petitions to Modify (child support, custody, or alimony)

Petitions to modify a court order may seek to increase, decrease, or terminate child support, modify the allocation of parental time, transfer primary custody (residential care), or allow one parent to relocate to another state with the parties' children.

The alleged grounds for modification generally require a substantial change in circumstances, but they can also be based upon a decision of the parents to follow a different parenting plan consistently for over six months. That's called a "de facto parenting arrangement without a change in circumstances".

Other grounds for modification of parenting plans are that the plan is "manifestly harmful" to the children, or to make minor changes or adjustments.

Mandated and Discretionary Family Mediation

The courts discourage petitions for minor changes in a parenting plan, especially since the majority of court-ordered and negotiated parenting plans contain a provision for the parties to go to mediation before taking up the time and resources of the court.

In cases involving children, the Family Court may order the parties to mediation with a mediator “in the Court’s mediators’ list”. Those mediators agree to be bound by the WV Supreme Court of Appeals “sliding scare”. Such mediations may cost as little as \$45- \$95 per hour.

Most family courts will not order mediation on the property and debt issues, but the parties can agree to mediate any issue. This lawyer has strongly lobbied to expand mediation and simplify the mediation rules. [5]Family Court Mediation Streamlined – Some Ideas - Attorney J. Burton Hunter III: Attorney J. Burton Hunter III (hunterlawfirm.net)

Drugs, Alcohol Dependence, and Abuse

And, of course, West Virginia has that other "epidemic", the huge rise in addiction to illegal drugs and alcohol. Many children are living in dangerous and abusive situations.

It is not rare to have such cases result in The State’s filing of an “abuse and neglect” juvenile petition, which filing results in immediate loss of jurisdiction by the Family Court and assumption of jurisdiction by the Circuit Court. That is a grim world of multiple hearings, multi-disciplinary teams, over-stretched court-appointed legal counsel, “improvement periods”, and foster parents. That is a world this attorney steers clear of.

Contempt Actions (Petitions for a Rule to Show Cause)

Behavior that will support an action for contempt can be a failure to pay child support, failure to cooperate with court-ordered visitation, refusal to share critical information about the children, or violation of a specific court order such as a requirement for sobriety, drug testing, or conflict counseling.

Respondents facing possible incarceration can get a court-appointed lawyer.

Prenuptial Agreements (Prenups)

I am not a fan of pre-nuptial agreements. They fly in the face of the concept of trust and “true-love”, as the couple must recognize the very real chance the marriage will fail.

The purpose of a prenup is usually to protect the person, more often the husband, who has greater assets and income. From my experience, people who have a prenup were not properly informed or educated about West Virginia’s “equitable distribution” and “alimony” statutes. Knowledge of that law can effectively protect both parties.

Since I know that the disadvantaged party, under current case law, needs to consult a lawyer before signing a prenup and since I know the parties MUST prepare itemized financial disclosures, NO ONE yet has been willing to pay me for the work needed properly to complete a prenup.

Also, most parties, once married, move on with life and pretty much ignore the ramifications of a prenup, which defeats the whole purpose.

My "gut feeling"? If you need a prenup, have you really found the right partner for life? And, if you don't want one, but your fiancé "insists", then I ask the same question!

If you decide or agree to have a prenup, I urge the parties to be specific and reasonable in its terms. If a family farm is to stay separate even if a house is built on it, say that. But don't expect to avoid claims of "co-mingling" if you try to separate a small business from the marital assets and income. And, set a term for the prenup to end, say 10, 15, or 20 years. The same for alimony. How can it be fair that a person who is married for 20 years or more, in their 50's or 60's be barred from seeking financial help from someone who is much better off financially, especially if they are free of fault.

And, remember Melania! After the "Access Hollywood Scandal", she was able to RENEGOTIATE her prenup! "You go girl!"

Gathering Financial Information for a Divorce

The more property, income, and debt there are in a marriage, especially in the longer-term marriages, the greater the challenge is to gather the critical information regarding the balance of debt, the value and itemization of property, and documentation of income in retirement benefits.

I also recently wrote on that subject: [6]Divorce: Gathering the Critical Details of Marital Assets and Debts - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

Gathering and Organizing Facts in Any Contested Case

A good litigator, whether it is family law, personal injury, or civil litigation, should have a system that helps the client gather and organize the facts in their case. In my practice, I call it, "our digging down system". Sure enough, I have written on that also: [7]2018 Revised: Digging Down - On Organizing and Preparing Your Case - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net).

The Ethics and Morality of Representing Litigants in Family Court

Lawyers take an oath in order to become members of the Bar and "Officers of the Court". They are bound by The Lawyers' Disciplinary Rules. But this lawyer thinks there should be more than that.

This attorney believes that a good family law attorney must have a strong moral and ethical core. I am talking about the lawyer who does good even "when no one is watching".

Such an attorney will expect you to be honest with her/him so that you and he/she can be honest with the Court and your opponents.

It doesn't always seem fair when the other side seems to be "getting away with" bad behavior. But if you're judge knows that your lawyer has been dishonest to the judge in the past, the judge is less likely to believe in you and your case. Candor with the Court is imperative. Lawyers must refrain from filing frivolous

pleadings and pandering to his client.

When a lawyer perceives her or his duty is to be to reflect the personality and wishes of his or her client instead of inculcating in the client the need for civility, honesty, decency, and adherence to "The Golden Rule", that lawyer is doing a grave disservice to the client and the client's children.

When the client says to the attorney, "Let's just let the Court decide", the lawyer must remind the client that "letting the judge decide" means investigating the case, preparing exhibits, interviewing witnesses, calling witnesses to trial, subpoenaing records, filing motions, resisting motions, and even filing an appeal. That spells \$\$\$\$.

Negotiation, Mediation, and Collaboration

A good lawyer must, therefore, be adept at negotiating and preparing for and participating in mediation. At the very least, mediation can take 15-20 issues and reduce them to 2 or 3.

More than 50 % of the time, mediation results in a "global settlement".

Sometimes mediation fails, but a good lawyer will prepare the best parenting plan and divorce settlement agreement that he can based upon everything that happened to date, and those agreements eventually can become the bases for a final agreement.

More on Contempt

A serious contempt case requires the Court to appoint a lawyer for the respondent since they face a possibility of incarceration. A contempt petition is also known as a "Petition for a Rule to Show Cause". In those cases, the court must review the petition and issue an order called "a rule to show cause" in the event the allegations are sufficient to make a claim of contemptuous behavior.

Motions for Expedited, Emergency, and Ex Parte Relief

In cases of great urgency, the court may consider a petition or motion "For Ex Parte Relief".

In response to the Ex Parte Motion or Petition, the judge has the option of; a. reviewing the petition and denying it because the allegations are not sufficiently serious or urgent, b. granting the petition and setting it for relief but denying the part of the request for a ruling before the hearing, or, in egregious situations, grant temporary relief such as temporary custody, a restraining order against removing the child from the state, etc.

Domestic Violence Petitions must have allegations that conform to the statute. "DV Petitioner" must be filed in Magistrate, based on verified petitions. Since they are the only product the magistrate can offer, often domestic violence petitions are filed that are questionable at best. I have long advocated for a "domestic squabble" expedited procedure. So far, it doesn't exist.

From this attorney's experience, ex parte motions and petitions should be used sparingly so the court are aware that you only file them in emergency situations.

Appeals from Family Court

Appeals of family court decisions are relatively rare for the simple reason that the litigants usually can't afford them. There must be an error by the Court, either by abusing the Court's discretion or making a plain or obvious mistake by misapplying the statute or an appellate court ruling.

No Unwanted Contact Orders

Family Courts have broad power to issue "no unwanted contact" restraining orders without a finding of domestic violence. This statute Sec. 51-2A-2a is fairly recent but it is an invaluable option for Family Courts and the Parties. It does not carry the stigma of a domestic violence order. My story, as co-author of this statute, is covered in detail in another blog article: [8]WV Senate Bill 430 - The Law That No One Heard Of - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

The New Custody Statute

West Virginia has a new custody statute that places much less emphasis on the proportion of parenting and caretaking functions that the parties exercised prior to the separation.

The former statute required, in most instances, that the court try to reconstruct and apportion parenting time as the parties had apportioned caretaking functions for the two years prior to separation. Now the standard is less specific and, from this counsel's experience, somewhat less predictable.

That standard is "the best interests of the child". The "best interests standard" has always supposedly been "guiding the trial Court", but often it is in the "eye of the beholder" and influenced by current cultural norms.

Same-Sex Marriage and Divorce

The Courts quickly adjusted to the reality of same-sex marital unions, and this attorney has seen virtually no rulings by a Family Court judge based on that judge's personal, religious, or moral views.

In my opinion, experienced family law attorneys and judges have seen enough "foibles of mankind" so as not to be, overly moralistic or dogmatic. More problematical is the fact that family law, being highly stressful, draw lawyers with a competitive and adversarial personality. A good lawyer must work hard not to stay constantly in "fight mode". It ain't easy.

IN SUMMARY: Family Court "ain't for sissies". The process for self-represented litigants is much different than for represented parties. "Unbundled Services" can help bridge the gap, but nothing beats representation by an experienced lawyer.

1. <https://hunterlawfirm.net/wp-content/uploads/2015/04/FCCR.jpg>
2. <http://www.hunterlawfirm.net/blog>
3. <https://law.ucla.edu/faculty/faculty-profiles/forrest-s-mosten>
4. <https://hunterlawfirm.net/lawyer-during-a-pandemic-and-finding-the-right-lawyer-in-2020-21/>
5. <https://hunterlawfirm.net/family-court-mediation-streamlined-ideas/>
6. <https://hunterlawfirm.net/divorce-gathering-the-critical-details-of-marital-assets-and-debts/>
7. <https://hunterlawfirm.net/2018-revised-digging-organizing-preparing-case/>
8. <https://hunterlawfirm.net/the-wv-senate-bill-430-now-a-law-that-no-one-heard-of/>

Personal Injury Claim Misconceptions (2021-02-09 22:13)

[1]



The one key to personal injury television advertisements is that ads must be simple, just like ads for insurance coverage. That's why none of the jocular t.v. insurance spokespersons tell you even one useful thing, except they will be cheaper than the other guy. How can they ALL be cheaper than **all** the rest? And how can all t.v. lawyers be better than **all** the others?

I can assure you of certain things: experience, dedication, attention to detail, and sincere effort to

keep your costs and fees as low as we can. These commitments show up in our reviews and the rich content of my blog, [2]www.hunterlawfirm.net/blog , and in my videos. [3](62) J. Burton Hunter III & Associates, PLLC. - YouTube

Thus, if you believe the "t.v. lawyers", you can have the lawyer who will be your best friend, the one who will kick the adjustor's butt, the one who promises to emulate a fierce animal, "ROAR!", or the one who promises that you will "never lift a finger".

The truth is more complex. What I can promise you is that our staff and I will strive to represent you honestly and competently. Working with a field-level adjustor in a polite and professional way can lead to a settlement. Treating her/him rudely may interfere with a pre-suit compromise.

Your working with your lawyer in gathering the history of the collision and your injuries and recovery is essential. So, with a good lawyer, you will meet frequently, and **you will be expected to do your part** in a team effort to document your claim. **You will "lift a finger"** to protect your rights and your family's.

And, **knowing the definitions** of certain terms and practices can help you understand the process and work with your lawyer.

Here are a couple of articles from our archives to help you understand these things:

1. [4]**30 SIMPLE FACTS ABOUT YOUR PERSONAL INJURY CLAIM - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**
2. [5]. **A Personal Injury Glossary: Negligence, Insurance, and the Rest - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)**

We remain open during the pandemic, ready to serve you.

1. <https://hunterlawfirm.net/wp-content/uploads/2017/10/CloseCropped.10.17.2017.jpg>
2. <http://www.hunterlawfirm.net/blog>
3. <https://www.youtube.com/channel/UCiH68bxdkje-b4NSQ6mAtgQ>
4. <https://hunterlawfirm.net/30-simple-facts-personal-injury-claim/>
5. <https://hunterlawfirm.net/personal-injury-glossery-negligence-insurance-rest/>

Divorce: Gathering the Critical Details of Marital Assets and Debts (2021-02-05 13:40)

[1]



Recently I reposted a blog article that I wrote in 2013, a practice tip, on how I organize the information that clients give me about the assets and debts of their marriage.

[2]Family Law Practice Tip - Equitable Distribution and Alimony Spreadsheets - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net)

It includes an offer to share the Excel Workbook for our "Financial Information Intake Spreadsheet" and our "Proposed Equitable Distribution Spreadsheet".

A colleague from Spokane Wa. requested the workbook, and I was happy to comply

That prompted me to review, revise, and streamline the forms and make sure all the links are still working.

Below are links to the pdf. files of the "Husband" and the "Wife" workbooks.

I always keep my client in the left two columns of the proposed distribution and our opponent on the right two columns; thus the need for two workbooks. It should be simple to add a field, "husband or wife?" to the intake so that only one version is needed. Later!

I reiterate the offer to send to any colleague or person the Excel workbook files of these forms. See my e-mail addresses below.

Caution:

1. Save the file as a template. Always change the name of the workbook you are using to something like

"equinew.Smith.Trudie. 03.07.2021".

2. Unless you are familiar with Excel, you won't be able to fill them out yourself. You'll go nuts trying. That's why I am here.

The forms below are PDF images so you can decide whether you would like to try the excel workbooks. They are not live ".xlsx" files.

Just e-mail me, and I will send you the Excel files. You can go through the "contact me" portal on my website, [3]www.hunterlawfirm.net , or via my e-mail address: [4]hunterjb@hunterlawfirm.net . Or call 304 472-7477.

Equitable Distribution Spreadsheets make an excellent collaborative tool for attorney and client to build a spreadsheet that does two things:

1. Creates an itemized list of all assets and debts with totals and subtotal; and
2. Creates "a proposed equitable distribution" spreadsheet for mediation or trial.

The "proposed equitable distribution spreadsheet" can be sent to the other party as a settlement offer, or as a disclosure of values and balances and "food for thought".

And, the "equitable distribution spreadsheet" is an excellent exhibit to include in your "confidential statement to the mediator". Mediators appreciate the attorney who is prepared to be a partner in the process of achieving a fair compromise.

The advantage of a spreadsheet, as most people should know, is that any change ripples through the entire sheet, changing totals and subtotals throughout the sheet. It is a marvelous tool, especially if linear thinking is "not your thing".

Here are PDFs of the spreadsheet.

https://hunterlawfirm.net/wp-content/uploads/2021/02/Equinew.husb_.PDF.02.01.2021-1.pdf

https://hunterlawfirm.net/wp-content/uploads/2021/02/Equinew.wife_.PDF.02.01.2021-1.pdf

A companion to these spreadsheets is a letter and checklist I give to clients in order to help them gather the information needed to complete our worksheet and comply with our financial disclosures and discovery requests. In short, it is a tool to be better prepared than other lawyers.

<https://hunterlawfirm.net/wp-content/uploads/2021/02/Instructions.FinancialInfo.02.04.2021.pdf>

Be prepared to spend 2-3 hours in this critical meeting with your client. You will be glad you did!

I also give to my client a "worksheet" that prompts them to fill in the assets and debts in detail:

<https://hunterlawfirm.net/wp-content/uploads/2021/02/FinAffidWorksheet.02.04.2021.pdf>

At the commencement of every new case, I require my clients to read and sign what I call my "Thank You For Hiring Me Letter". It reminds them, among other things, not to post anything related to their case on social media and becomes part of our service contract:

<https://hunterlawfirm.net/wp-content/uploads/2021/02/Instructions.InitialAffidClients.02.04.2021.pdf>

These forms should help the best "people lawyer" also be a good "numbers and detail lawyer".

I hope this article helps to improve the practice of family law in WV.

1. <https://hunterlawfirm.net/wp-content/uploads/2020/03/skype1.jpg>
2. <https://hunterlawfirm.net/family-law-practice-tip-equitable-distribution-and-alimony-spreadsheets/>
3. <http://www.hunterlawfirm.net/>
4. <mailto:hunterjb@hunterlawfirm.net>

2.11 January

Burton Hunter and YouTube (2021-01-25 16:00)

1. I have been creating videos for 60 years. It started with an 8 mm. movie camera with a turret 3 lenses. We called them "home movies" I marvel in retrospect that my parents sprung for such an expensive toy and for a \$160 Polaroid 900 Land Instant Camera with 3000 Speed Film. It had a bellows, and it still works!
2. Much of my earnings from mowing the neighbor's lawn and working at the dairy farm next door went to the purchase of and developing film.
3. I have converted those family movies to videos and still hope I will stumble on my first and only "movie", a 3 reeler, "Revenge of the Silage Monster", recorded on-site at the Carter Farm.
4. I became the family photographer and have filled the same role for my grade school, high school, college and fraternity, and of course our modern family.

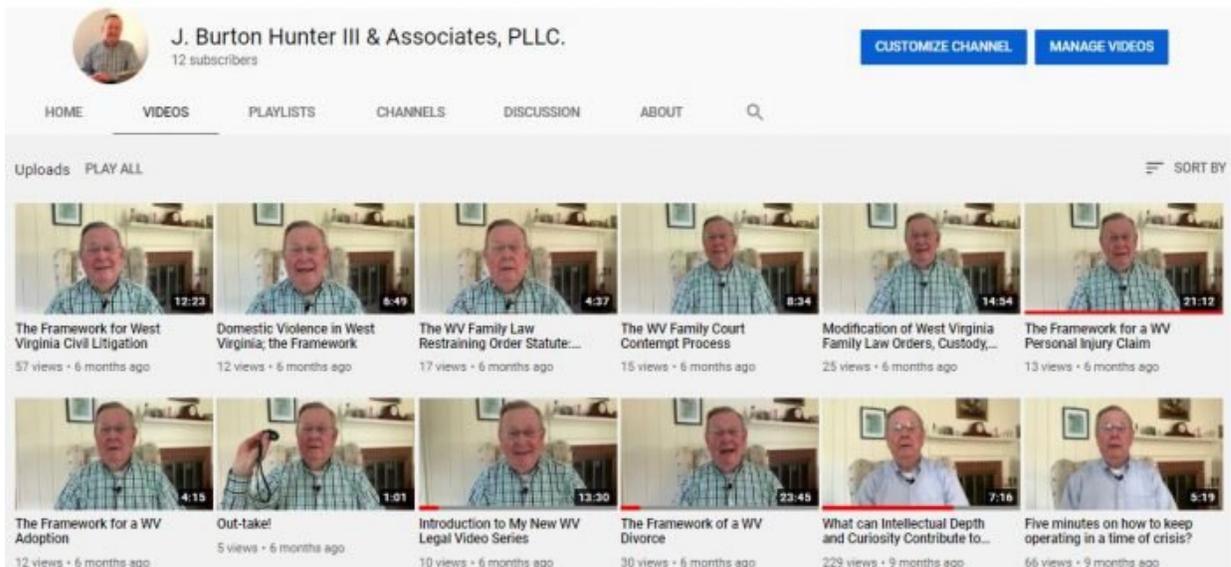
5. Facebook and Instagram have been ideal platforms for showing off, communicating ideas, and being as creative as my humble talents will permit me, including a chronicle of my personal and professional life. I don't expect ever to "go virile", but I hope to make a difference in my profession, to market our services, and to entertain and educate. I love those things.
6. I had a number of recorded ads on local cable t.v. before the Internet arrived, and I have a couple of hundred personal youtube and Facebook videos.
7. A few years ago, I created a YouTube Channel for J. Burton Hunter III and Assocs, PLLC: **[1](45) J. Burton Hunter III & Associates, PLLC. - YouTube**
8. Now we have nearly 60 videos. They mirror the contents of my book, and my blog, both titled "**Perspectives of a Small Town Lawyer**":
9. That blog now has 1400 pages and 400 "green content" articles. **[2]Blog - Attorney J. Burton Hunter III : Attorney J. Burton Hunter III (hunterlawfirm.net) and [3]Amazon.com : J. Burton Hunter III Perspectives of a Small Town Lawyer**
10. During the pandemic, I started something new. It's called "**HunterGrandchildren2020**": **[4](1) Hunter-Grandchildren2020 - YouTube**
11. Most of the posts are chapters from books, the "Dogman" series, Dr.Seuss, e.g. "Horton Hatches an Egg"; Sesame Street, "Grover Learns to Read", Maya Angelou, "I Know Why the Caged Bird Sings", and Jonny Sun, "everyone's aliebn when ur a aliegn too, a book".
12. Truth be known, I am enjoying telling these stories. I hope your children and grandchildren will enjoy them.
13. **What is the relevance that justifies posting this to my lawyer's blog?** It is simple. View and read some of them, and you can get a feel for my competence, my heart, my standards, and my commitment to serve and to promote honesty and honor.
14. I find that educating and training my clients usually creates a team that produces good results. If you think these things aren't important, consider one of those lawyers who promises to "stick it to" your estranged spouse or who promises "you will never lift a finger". These are false or nasty promises. If you like them, then you probably should seek out that lawyer.
15. Because with me and my staff, you will work with us in collaboration, and we will focus on your children's welfare and collaboration, if possible, in pursuit of a just result. But, rest assured that if we are dealing with a bully, we will respond firmly and effectively.

[5]



My "studio" in my mother-in-law's living room.

[6]



Some of the videos on my YouTube Channel.

[7]



The kernel of an idea; my first reading with Granddaughter Frances

[8]
164

HunterGrandchildren2020
6 subscribers

CUSTOMIZE CHANNEL MANAGE VIDEOS

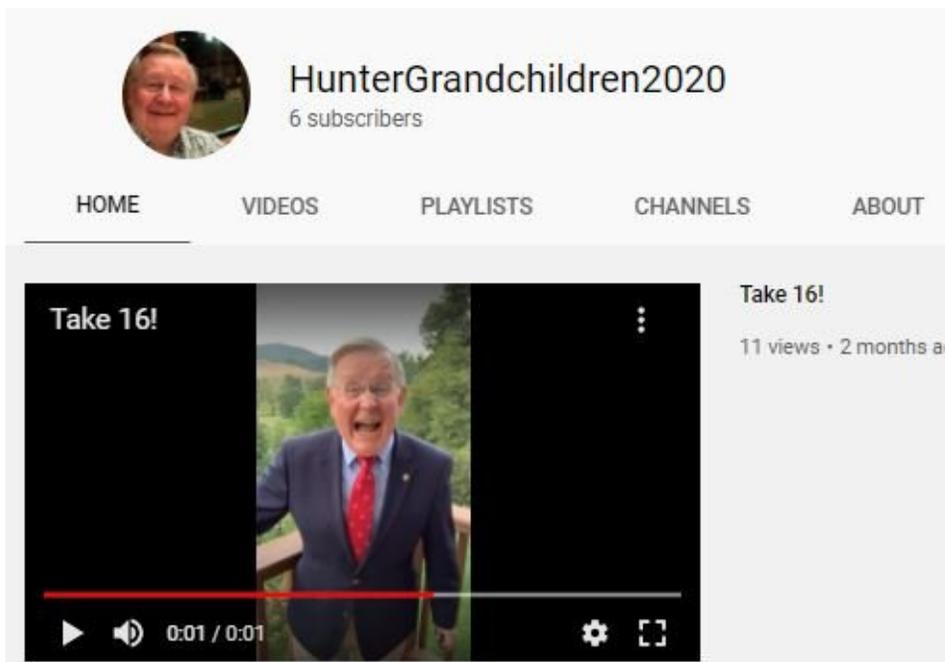
HOME VIDEOS PLAYLISTS CHANNELS ABOUT

Uploads PLAY ALL SORT BY

The screenshot displays a grid of 24 video thumbnails from the HunterGrandchildren2020 YouTube channel. Each thumbnail includes a video title, a duration, and a view count with the time it was posted. The videos are organized into rows and columns, showcasing a variety of content including book readings, character introductions, and scenes from the 'Dogman' and 'The Caged Bird Sings' series.

Video Title	Duration	Views	Posted
Dogman Unleashed: Chapter 10 An Ice Ending	8:15	2 views	22 hours ago
Dogman Unleashed The Last Story Dogman and the With...	8:08	2 views	22 hours ago
November 27, 2020	8:19	2 views	22 hours ago
Dogman A Tale of Two Kitties Chapter the Tenth Three...	7:04	1 view	22 hours ago
Everyone's an allebn when you're and allebn too; Jom...	7:51	4 views	1 day ago
I Know Why the Caged Bird Sing: Mays Angelou...	8:15	2 views	1 day ago
I Know Why the Caged Bird Sing: Mays Angelou...	8:48	7 views	6 days ago
Dogman: A Tale of Two Kitties: Chapter the Ninth: B...	8:11	2 views	6 days ago
Mays Angelou: I Know Why the Caged Bird Sing: Chapt...	18:48	9 views	1 month ago
Dogman: A Tale of Two Kitties: Chapter Seven Recalled to...	8:05	2 views	1 month ago
Dogman: A Tale of Two Kitties: Chapter the Eighth The...	8:45	1 view	1 month ago
Dogman: A Tale of Two Kitties: Chapter Sixth A Bunch of...	8:11	2 views	1 month ago
Dogman: A tale of Two Kitties Chapter Five Crata...	6:51	2 views	1 month ago
I Know Why the Caged Bird Sing: Chapter 4	18:01	2 views	1 month ago
Dogman: A Tale of Two Kitties Chapter Third	8:46	4 views	1 month ago
Dogman: A Tale of Two Kitties: Chapter fourth No More...	4:59	2 views	1 month ago
Mays Angelou: I Know Why the Caged Bird Sing: Intro:	6:58	2 views	1 month ago
Mays Angelou: I Know Why the Caged Bird Sing:...	8:03	2 views	1 month ago
Mays Angelou: I Know Why the Caged Bird Sing...	8:18	2 views	1 month ago
December 1, 2020: Mays Angelou: I know Why the...	9:09	4 views	1 month ago
Dogman: A Tale of two Kitties Chapter 2	8:51	No views	1 month ago
December 1, 2020: Dogman aTale of two Kitties Chapter 1	8:10	2 views	1 month ago
The Muppets: Grover: Learn to Read	8:08	22 views	2 months ago
Dogman Unleashed Chapter 8 The Mysterious Stranger...	8:46	7 views	2 months ago
Dogman Unleashed: Chapter 8, Flat Cat Feiler	8:35	4 views	2 months ago
Dear Friends	1:05	2 views	2 months ago
Dogman Unleashed Chapter 8 A Bunch of Stuff that...	8:34	7 views	2 months ago
Last place m!	8:26	2 views	2 months ago
Tales 101	8:03	11 views	2 months ago
When	1:18	No views	2 months ago
8:16	8:16	8:16	8:16
1:14	2:18	8:30	8:35
8:18	8:18	8:18	8:18

Some of the videos on my HunterGrandchildren2020 YouTube Channel



A frustrated "Take 16" for the Gospel Reading for our remote church service.

[10]



[11]



**Pop Pop reads Dr. Seuss:
Horton Hatches an Egg**

[12]



[13]



[14]



Pop Pop Plays Horton



[15]

Pop Pop Saves a Housewren, with the Grandchildren.

1. <https://www.youtube.com/channel/UCiH68bxdkje-b4NSQ6mAtgQ>
2. <https://hunterlawfirm.net/blog/>
3. https://www.amazon.com/s?k=J.+Burton+Hunter+III+Perspectives+of+a+Small+Town+Lawyer&i=stripbooks&ref=nb_sb_noss
4. <https://www.youtube.com/channel/UCvt6Rfy7R50N-gUrV7Zyslq>
5. <https://hunterlawfirm.net/wp-content/uploads/2021/01/Ct.LivingRoom.jpg>
6. <https://hunterlawfirm.net/wp-content/uploads/2021/01/JBHIIISnip.jpg>
7. <https://hunterlawfirm.net/wp-content/uploads/2021/01/PopReadsDogman.jpg>
8. <https://hunterlawfirm.net/wp-content/uploads/2021/01/Grandchildrenarray.jpg>
9. <https://hunterlawfirm.net/wp-content/uploads/2021/01/GrandchildrenChannel.jpg>

10. <https://hunterlawfirm.net/wp-content/uploads/2021/01/Horton.DrSeuss.2JPG.jpg>
11. <https://hunterlawfirm.net/wp-content/uploads/2021/01/Horton.DrSeuss.jpg>
12. <https://hunterlawfirm.net/wp-content/uploads/2021/01/Aliebn.jpg>
13. <https://hunterlawfirm.net/wp-content/uploads/2021/01/MayaDogman.jpg>
14. <https://hunterlawfirm.net/wp-content/uploads/2021/01/PopPopHorton.jpg>
15. <https://hunterlawfirm.net/wp-content/uploads/2021/01/wren.jpg>

3. 2020

3.1 November

Lawyering During a Pandemic, And Finding the right lawyer in 2020-21 (2020-11-13 13:06)



Burt, Cinca, and Chloe: reducing stress during the Covid 19 Crisis.

This is a very tough time to be an attorney or judge in W.V.

I have been in the crucible for so long. I think I sometimes forget about the unremitting stress of being one's own office manager, boss, marketer, and tech developer, while also being a counselor, an advocate, and a friend. It is always there.

Yes, we lawyers and their staffs are privileged to have a skill that people are willing to pay for, something that provides a valuable service, and comfort to many. As "an essential service", most lawyers have been able to keep working during the pandemic crisis.

Am I getting a bit tired of it? Yes. Ready to give up? Nope.

But I am sorry to see good friends and respected, and not so respected, colleagues burdened and crushed by it.

It may surprise you to know that lawyers perennially rank at, or near, the top, in depression, substance abuse, and suicides among the professions.

Trial lawyers take on the conflicts and controversies of others in what is properly named "an adversary system."

It is "a given" that each new case adds stress and conflict to the lawyer and her/his staff, especially because the typical client has financial stressors of their own. Translation? Most don't have many dollars in reserve! But we have to help them!

With courts overwhelmed, hearing matters remotely, court closures, and palpable health risks, the stress is great.

A person seeking help from a lawyer needs to dig down into the lawyer's online reviews and to ask friends and family or former clients about the lawyer's reputation for honesty and effectiveness.

If the lawyer is functioning well, his reviews should reassure you (Don't be put off by the occasional one-star review!), his staff or he should return your call or e-mail inquiry promptly, and the lawyer should not hesitate, without giving legal advice, and to answer your reasonable questions.

And he shouldn't hesitate to give you some ideas on a tentative game plan, and the cost to you, the time it will take, and your prospects for a good resolution. Expect to get that before you even come to his office.

You probably should "pass" on lawyers who don't call you back promptly, or whose answers seem evasive, or who promise you "the moon".

For now, my staff and I are holding our own. Our experienced staff is intact and ready to serve you. And our redundant technology tools allow us to manage remotely, and to function effectively even if we were to get quarantined.

My spirit is strong, and I must hold it together, so I will. With our help, you will too.

So, give us a call if you think we might help. We will give you prompt and straight answers and competent service.

1. <https://hunterlawfirm.net/wp-content/uploads/2020/11/BurtCincaChloe3-scaled.jpg>

3.2 October

Competence: The Path to Acquiring It (2020-10-26 12:02)

I have not been blogging much lately. I had a flurry of activity this summer on my "J. Burton Hunter III and Assocs" YouTube Video Channel. Please consider subscribing to my channel, and send me feedback or questions that I may answer for you. [1]<https://tinyurl.com/y6kyj2dj>

And, of course, there is my fully searchable blog, all 1400 pages and 400 articles. It's still there at [2]<https://hunterlawfirm.net/blog> . It and my book are titled "Perspectives of a Small Town Lawyer"; you can get it in paperback or Kindle from www.Amazon.com

Most of my stuff is informational or "how-to", but I sometimes I venture into subjects, religion, philosophy, or politics, that include some of my serious thinking. I believe I am not a shallow or superficial person.

They say a lawyer should not reveal his politics or religious beliefs for fear of alienating her or his potential clients. Sorry, I am past that. If you want to hire a lawyer who believes the same as you, go for it. But, remember, you need an advocate, not a cheerleader. If you are nasty, abusive, or dogmatic, prepare to change. I won't mirror you or channel you. I am me. But your bullies will think I am a bully. Get it?

If you want competence, seriousness of purpose, and an ability to represent you regardless of your politics or religion (Remember, there is a limit!), then I hope I am your man.

I write this post with former President Barack Obama's searing appraisal of Donald J. Trump on the day of the last debate ringing in my ears. What hit me the hardest was when the former President said,

"I did hope, for the sake of our country, that Donald Trump might show some interest in taking the job seriously, that he might come to feel the weight of the office, and discover some reverence for the democracy that had been placed in his care. But he never did. Donald Trump hasn't grown into the job because he can't."

I've heard it all, read most of the "tell-all" books on Trump, and heard the accusations about the man's venality and immorality. I detest "The Donald" because none of the serious role models in my life have been anything like him. He is the embodiment of the man my beloved Mother DID NOT want me to be.

Now, some "memoir". I remember when I was in the 3rd grade, waking from a nap on my bed inside the dormer of the little house we rented at the top of Park View Hill, on The Fisher Farm, in Ohio County (Wheeling). I can see the dust motes floating in the sunbeam.

And I was thinking. I thought as hard and long as I was capable of at the time. What was going on between my ears? How had I come to exist? What was "thinking"? What IS going on? And how was it going to turn out? I was trying to peer into my own brain. It was so unsettling that I have returned to that moment thousands of times. I am still "thinking".

Perhaps I had already heard some "space operas" on the radio, but we were pre-t.v., and only science fiction had an Internet, and it sure didn't predict OUR Internet. Dick Tracy did have a wrist phone. But it was a simple walkie-talkie.

Yet, I knew these were serious questions.

Around that time, perhaps 4th grade, I remember being at the back of Park View Grade School next to my teacher's new Chevy, trying to picture becoming an adult, or growing old, or dying, or going crazy. (A dear aunt had schizophrenia and "heard voices" and I couldn't imagine my mind doing that to me.)

Not sure why I still visualize that car or that space, but I could take you there tomorrow. I have visited

that moment repeatedly too.

My adult future was so far off that it was like hearing that the universe will become "flat" in 16 billion years. It was, simply, inconceivable that I would ever become that old.

I believe my grandparents were then 2-4 years YOUNGER than I am today. Now it is our beloved grandchildren who are thinking such thoughts.

Two more memories:

Growing up as a teenager, I would find myself "in the doghouse". Somehow I had done something that started a row with my sisters. I did not want to be a bad big brother, but I was 3-10 years older, was the "privileged" oldest, and the only boy, and kept discovering that I had "stepped in it". It happened many times. I would play the tape back in my head (8 mm. not even Super 8), and could not even remember when I had got off track. Truth is, it was rarely, if ever, their fault. I was hopeless, impulsive, and thoughtless, not cruel (I hope).

During those teen years, I had to learn "how to do stuff". I would spend an hour agonizing over a few calls to remind people of a 4-H meeting. The anxiety over stringing a few words together was palpable. And when I finished a job like cleaning the garage, my Mother would critique me, and I'd wrack my brain over why I missed so many details. I never seemed to get it right, and she was not unreasonable.

But, somehow, through trial and error, presenting 4-H demonstrations, completing my exhibits, having to make calls, serve on committees, dress properly, and carry myself with confidence, something BIG happened.

Call it bragging, but it is true. I became COMPETENT. I learned to form stable relationships, and I am blessed with my near-perfect partner of 51 years, Nancy. We were able to pass that on, and we are blessed with focused and mature and capable adult children. It was not guaranteed, and much luck was involved. But I am truly blessed.

Now back to Obama's critique of Trump. Barack Obama hoped Trump would take the job seriously, hoped he would do his homework, and hoped he would learn from his advisors and the experts and tone down the partisanship. (Rolling Stones' classic plays in my head.) [3]<https://youtu.be/Ef9QnZVpVd8>

I have heard from a Trump supporter the idea that even though his hero is not a "truth teller", "He gets things done".

Really?! I respectfully disagree. Chronic Liars do not perform well. And lawyers who lie do a disservice to their clients.

What if a person hasn't read a serious book for years,

doesn't study briefing books,

has no grounding in history,

has no burning interest in science and the future or in truth,

does not understand or care about the environment,

does not know "Jim Crow" from "Old Crow",

and lacks a value system (except transactional),

while living in a world where he cannot truly feel love or care about anyone but himself?

The answer, as President Obama so strikingly noted, is that such a person cannot competently perform any job, especially one of the world's most challenging.

A friend noted that even organized crime needs "truth-tellers" to run its business operation. Who can work with a person who virtually never tells the truth? Not I.

How did I become competent? It was not by self-discipline early on. I did not pay attention in class, did not study hard enough, wandered into myriad subjects other than what my teachers wanted, and absorbed the things around me like a sponge.

Turns out that I learned a lot, but in my own way. Linsly Military Institute did a great job imposing structure on me. It made me work much harder than I wanted, but, according to my teachers who compared my SAT scores with my grades, not enough!

By college, I was supposed to have self-motivation. Not! I am lucky I got through and lucky I "tested well". Without that and without some strong recommendations, I would not even been admitted to law school. I was distracted, in love, unhappy, and facing the draft. Not a good combination.

It was very sobering to realize how hard law school was going to be. I hated it. I resisted thinking like a lawyer. I thought it was too artificial and too boring!

But it was time to be a grown-up. Our new baby John arrived during finals, the day after the massacre at Kent State. I was scraping the bottom of the class barrel and driving around Morgantown to avoid the demonstrators and see my wife and baby.

But, with a temporary deferral because of shoulder surgery, I even got some good grades in my third year of law school including a top grade in Jurisprudence, "the philosophy of the law".

With a gentle lift in the form of a strong letter from my old boss at The Warwood Tool Company, Bob Burke, who happened to be the county Democratic Chairman and our congressman Robert Mollohan, I got into the USAF JAG Corp.

My first boss was "A.W.O.L." from alcoholism. I was rudderless for two years, doing my job and attending his meetings.

But I did work hard and learned from my mistakes. I learned that my advice to the first sergeants and commanders was sound, if they followed it! But how to get them, or any client, to follow my advice? That's another story.

My new boss, Jim Ingram, gave me a chance to prove myself. Too late to make it a career, but not too late to leave the USAF, after four years, with substantial self-confidence.

The Honorable Judge (name omitted) did his level best to destroy that confidence, so I learned how to win appeals to the WV Supreme Court. To this day I consider a polite and considerate judge to be a treasure. A bad one can destroy a young lawyer. I wasn't going to allow that. It didn't.

In 2018, I made a 40-minute video with the help and guidance of Jenkins Ford Videographer Aaron Kittle on my love affair with cars and how my Sports Car Club of America amateur racing career added to that confidence. <https://youtu.be/otGkJPyVomI>

Of course, if you are going to spend a career contesting legal controversies, you either mature in your work ethic and competence or it eats you alive. Well, 48 years after graduation, I am still here, feeling strong and happy, but never free of anxiety before a serious hearing or a trial. It is no wonder that so many lawyers have substance abuse issues and suffer from depression.

My point? The country does not need an incompetent President,

and you don't need an incompetent lawyer.

Give me a call. 304 472-7477.

Or write me at hunterjb@hunterlawfirm.net .

1. <https://tinyurl.com/y6kyj2dj>
2. <https://hunterlawfirm.net/blog>
3. <https://youtu.be/Ef9QnZVpVd8>

3.3 September

The Problem of Trash, Garbage, Clutter, and Filth in Family Law (2020-09-01 20:15)

[1]



Hello there:

Are you going through a divorce, or facing the prospect of one, and you have minor children? Or are you curious how not to become a party in a divorce?

If yes to one of these, here is my advice to you:

I stress that many family law litigants do NOT have this problem, but many do!

I have encountered a phenomenal number of cases where one or both parties are living like pigs.

My Mother was, and my wife is, a phenomenal housekeeper/homemaker.

I confess, my wife and I came out of the fifties and into our adulthood in the 1960s, and we accepted the premise that the wife would do the majority of the house management and cleaning, and the husband would bring in the bulk of the income by devoting an average of 60 hours a week for 50 years or so. She is the mistress of this domain. Our children and I are her beneficiaries.

I think it worked for us. High school had home-economics for the girls and shop for the boys. Linsly Military Institute had map reading, marksmanship, marching, and uniforms; swords even. It is what we learned and what we knew.

The 4-H Club had sewing and cooking for the girls, and archery, timber management, woodworking, and gardening for boys. We crossed over and back. Girls raised cattle, and Eric Wallace and I did a demonstration of how to make drop biscuits. We beat out two girls! But we clearly knew the difference between boys' stuff and girls' stuff. And, we knew nothing of the concept of transgender, and are still working to process it all.

And of course, there were Boy Scouts and Girl Scouts. I knew instinctively that the co-ed 4-H was the way to go, as was our Methodist Youth Fellowship. Interesting irony that my 8th through 12th school years were boys only. My loss.

Now I am not sure who is getting trained for what, or by whom, but I am seeing photos and videos daily of former marital residences piled high with trash, old clothes, and garbage, even animal feces and hoarder-houses that you can barely make your way through.

And there are pets who are neglected and deprived, and livestock that's not tended to. Family Courts see it in divorce cases, allocation of parental rights, and domestic violence.

Circuit Courts see it in juvenile abuse and neglect, juvenile delinquency, and criminal cases. Teachers and social workers, doctors, and first responders, of course, are on the front line.

If television and the news are to be believed, things are even worse in large cities and deprived communities. It is a crisis of great magnitude, a loss of basic skills, and a lack of clear definitions of who we are and what our purpose of life is.

The causes? Drugs? Alcohol? Depression? Lack of training and skill? Paucity of values? Lack of role models. And now this pandemic is taking hope from millions.

Is there a "desert" on t.v., on the Internet, and in our culture that is starving our children the guidance they need in moving into adulthood. There is and isn't. There is an immense amount of great stuff on t.v. and the Internet, but so many only watch fluff and garbage.

So, you tell me. But if I am your lawyer, I do not want the other side showing me evidence that you are pig and too unconcerned about your self-respect and the welfare of your children to keep your place neat and clean. If that is what you are doing, do you even deserve those children?

If you depressed or addicted, get professional help, and do a serious review of your life and lifestyle, but in the meantime, try to go through the motions keeping it normal around you. Keep the floor clean, the toilets sparkling, the dishes washed, the bedding free of critters. Take it a step at a time until you start feeling better. In fact, by "keeping going", perhaps that will help you come out of it.

If life overwhelms you, simply keep moving and doing. One step, one more step, and one more. Just do it!

Suck it up, realize that your children need you to pull through and come out the other side stronger and better.

My experience is that when a marriage is failing, people tend to give up. Often there is deferred maintenance on their house and their children. Certainly, they defer tending to one another and their relationship.

But once we are engaged in what is, by design, an "adversary relationship" in a divorce setting, even if we have been sent to mediation, it is essential to move to a mode where the house is cared for, the children are your first priority, the paths are clear, and the marital residence is well taken care of.

When it is all over, and all you are is an "every other week-end parent", or your time and contact are limited to "supervised visits" or worse, it may be too late.

1. <http://hunterlawfirm.net/wp-content/uploads/2020/03/skype1.jpg>

3.4 July

The Framework for West Virginia Civil Litigation (2020-07-27 17:06)

"I'll sue you!" Easy to say, but most non-lawyers do not know how fraught with difficulty such a threat may be.

Some don't understand the alternatives. And some get sued when it need not have been. Here's the framework in West Virginia of civil litigation.

<https://youtu.be/we0EmeGAgOE>

The West Virginia Family Court Restraining Order Statute - Chap. 51-2A-2a (2020-07-23 15:26)

Burton Hunter, co-author of the "WV Family Law Restraining Order Statute" with fellow WV lawyer and friend, Thomas O'Neill, WV Code 51-2A-2a, reports on the creation, effect, and method associated with obtaining one of these critically important orders. These orders prevent domestic violence because they can be entered before the behavior rises to the level of domestic violence. There are no statistics on how many orders have issued, many thousands, and no way to know how many lives were improved or saved by this important law.

<https://youtu.be/p-aardaiYs4>

[1]<https://youtu.be/p-aardaiYs4>

1. <https://youtu.be/p-aardaiYs4>

The Framework for a West Virginia Adoption (2020-07-22 13:45)

This short video provides an outline of the adoption process in WV and a few of the typical situations where Mr. Hunter can help you in achieving a successful adoption.

[1]<https://youtu.be/l4Xn3KLri5g>

<https://youtu.be/l4Xn3KLri5g>

1. <https://youtu.be/l4Xn3KLri5g>

The Legal Framework of Domestic Violence in West Virginia (2020-07-21 13:44)

In just a few minutes, Mr. Hunter clears up the confusion between the crimes of domestic battery and assault and the "WV Domestic Violence Statute" and its restraining orders, and a related 'non-domestic violence form of 'WV Family Court Restraining Order."

These statutes are essential tools in reducing and preventing #domesticviolence in the State of West Virginia.

<https://youtu.be/ASIXR8xw8bU>

[1]<https://youtu.be/ASIXR8xw8bU>

1. <https://youtu.be/ASIXR8xw8bU>

The Framework for a West Virginia Modification Petition (2020-07-20 12:32)

In less than 15 minutes, Mr. Hunter covers the WV Family Court Modification statute and process. If you want a family court to modify your divorce order or parenting plan, this is a great first step in determining whether you can make it happen.

<https://youtu.be/QPPX1Q4KBm0>

[1]<https://youtu.be/QPPX1Q4KBm0>

1. <https://youtu.be/QPPX1Q4KBm0>

The Framework for a West Virginia Personal Injury Claim (2020-07-14 11:37)

In 21 Minutes Mr. Hunter busts some myths of personal injury claim processing in WV, auto collisions, accidents, rear-enders, texting while driving, drunk driving, insurance coverages, competitive fees, and so much more, from a perspective of over 40 years in the legal profession.

He focuses on methods, process, and the best net results for the client, usually without filing suit.

<https://youtu.be/UHjp3jSV09M>

[1]<https://youtu.be/UHjp3jSV09M>

1. <https://youtu.be/UHjp3jSV09M>

The Framework for a West Virginia Divorce (2020-07-10 20:14)

This twenty-minute video provides a framework or outline for a divorce proceeding in WV and the critical services a good lawyer can provide the litigant:

[1]<https://youtu.be/xyODbrfxg3I>

<https://youtu.be/xyODbrfxg3I>

1. <https://youtu.be/xyODbrfxg3I>

The West Virginia Family Court Contempt Process (2020-07-10 20:02)

If the other party in a family court case violates an order, what can you do? In this eight-minute video, Mr. Hunter outlines the process and helps you consider the alternatives. Remember, this important information is just that, valuable free information, not advice.

PerBut he is here to serve you if that is your choice.

<https://youtu.be/DQh2eeloRXA>

[1]<https://youtu.be/DQh2eeloRXA>

1. <https://youtu.be/DQh2eel0RXA>

Introduction to WV Lawyer Video Series: Personal Memoir (2020-07-10 11:26)

Welcome to our July 2020 series of informative and instructional videos on various legal topics. Skip it is if you care to, or dig in to learn of Mr. Hunter's history, goals, and purpose.

This 13-minute video provides some of Mr. Hunter's history and expertise accumulated over more than 40 years of practice.

<https://youtu.be/JizFwkvRmuw>

3.5 June

Divorce: Collecting the Financial Information Ain't for Sissies (2020-06-16 21:06)

On Getting Accurate Financial Information from Clients

1. Most lawyers aren't accountants, but good divorce lawyer will take some accounting courses, for his or her own business and for his or her clients' best interests.
2. He or she must understand retirement plans, be able to draft qualified domestic relations orders (QDRO's), obtain property valuations, AND be able to explain it all to a client.
3. Here is my last, best, effort. to explain it to our clients. Not concise, but complete.
4. I hope you find it to be useful or at least "food for thought":

[1]

IMPORTANT INSTRUCTIONS TO NEW DIVORCE CLIENTS
REGARDING YOUR SWORN FINANCIAL AFFIDAVIT

Mr. Hunter's Message:

1. As an attorney who has practiced family law more than 40 years, it is a continuing challenge for me and my staff to convince our clients that something as mechanical as making a list and documenting all of your assets, debts, and income can be relatively easy, **and also that it is terribly important.**
2. I realize that most couples have one spouse who manages and understands the family finances, and it has become clear to me that not everyone who manages their finances is good at it. Sometimes what we find is pure chaos.
3. Some of you have few debts and minimal assets or large assets and no debt. Your job is easier, but it is still important that you do it.
4. A few of you will own many assets, real estate, personal property in the form of toys, tools, collections, household goods, and financial accounts.
5. Others will have a huge pile of medical bills, credit card balances, loans from family, and "secured debts" such as auto loans and mortgages (in WV called "Deeds of Trust").
6. These loans are "secure" because you are pledging something of value, your house, car, perhaps even a cash cd or your retirement fund.
7. "Unsecured debts" are still your debts, of course, but there is nothing to "secure" them except perhaps wage garnishment or a "writ of attachment" after your creditor gets a legal judgment against you.
8. You will receive from us an article on "Equitable distribution in WV." Please read and understand it. It matters whether you brought an asset into the marriage, received it to only you as a gift during the marriage, or used what is called "marital income" (that's income earned by either of you) to acquire an asset.
9. Sometimes it is important whose name the property is in, other times not. **The basic rule is if it was acquired during the marriage, a debt or asset, it is marital and equally shared.**
10. **Below, I am asking you to put a checkmark after each numbered paragraph.**
11. When you do so, think how you are going to get that information?
12. You may have to visit your bank, get online, call your credit card companies, visit your safe deposit box at your bank, inventory your safe at home, and certainly to make an inventory of your possessions. But, remember, when you tell me you used to keep \$20,000 in cash under your bed or in that safe, and its gone, it may be "gone" forever!
13. **You will be asked to put a value on these possessions.**
14. A bank balance is easy. Just be sure you get the balance on or close to the date of your separation. It will also be relevant to bring that information current as you approach a mediation or a trial. Accuracy and completeness are essential.
15. **And, you are going to have to obtain and produce documents, titles, assessor's tax tickets, insurance policies, deeds, birth certificates, marriage certificates, accounts statements, statements from your retirement plan.**
16. If you are listing it in your financial affidavit, you probably need a copy of it.
17. So, below is the certificate we ask you to read and check off as we begin this journey together.

Thanks in advance for your cooperation:

Burton Hunter

Client's Certification -
Please initial at the end of each numbered paragraph

Please
Initial

1. I declare that I have read Mr. Hunter's instructions for completing my financial affidavit and our "Equitable Distribution Spreadsheet". 1. _____
2. In regard to marital assets and debts, I understand the basics of the "WV Doctrine Of Equitable Distribution," especially the fact that the Court will presume that any asset or income generated by the efforts of either party during the marriage and before separation is jointly owned. 2. _____
3. I understand that property I owned before our marriage or received as a direct gift from a family member or friend, may be my separate property, but there are exceptions. I acknowledge that it is important for Mr. Hunter and me to evaluate claims I make to separate property carefully. So, I must be accurate and honest in discussing such property with Mr. Hunter. 3. _____
4. I also understand that it is my obligation to provide documentation of the unpaid balances of all debts, "secured" and "unsecured". I know I must provide that information as of "date of separation", and, to the extent I can, I need to track all of those debts, up to settlement or mediation or trial. This may require calling my creditors, my bank, and my insurance company, or the "plan administrator" for a retirement account and visiting the county clerk or assessor. 4. _____
5. I understand the difference between a "secured" and an "unsecured debt". Examples of secured debts are car loans and home mortgages. Examples of unsecured debts are credit card debt, unpaid medical bills, overdue utilities, and debts to family. 5. _____
6. I know that my and our disclosures of funds include transactions done on the day of separation and sometimes days, weeks, or months before. (When in doubt, I WILL disclose it to Mr. Hunter. I promise.) 6. _____
7. I understand my disclosure of assets, debts, and income will be under oath and punishable by the Court which is another reason that I must be honest and complete with my lawyer. 7. _____
8. I understand that I will not have all the information to give Mr. Hunter at the time of our first meeting or even our big "spreadsheet interview." That may be because my spouse controls the information. But it is my obligation to ferret out and obtain that information, to study the spreadsheet after Mr. Hunter provides me the first draft, and to update and correct it before any mediation or trial. I just reread this paragraph, and I commit to doing this! 8. _____
9. I absolutely understand and accept that failure to make an honest and full disclosure, to my lawyer, the Court, and the other side, may have dire consequences and may interfere with Mr. Hunter's ability to continue as my counsel. 9. _____
10. I understand that valuation of any automobile is based on "private party sale value" available online at sites such as Kelly Blue Book, KBB.com, not "retail" or "trade in" values. 10. _____
11. I know it is my job to obtain those values, based on make, model, year, and accurate description of condition and accessories, and to forward or print out those valuations for Mr. Hunter to attach to our disclosure. 11. _____
12. I understand that I must disclose ALL retirement, and long-term and short-term savings. This includes copies of my insurance policies, especially if these policies are "whole life" plans with a present cash value. Such plans are long term savings that must be disclosed. 12. _____

13. And, I understand that if a retirement plan is to be divided, there may be costs for preparing or reviewing something called a "Qualified Domestic Relations Order" (Q.D.R.O.), per the federal E.R.I.S.A. law. 13. ____
14. I understand the difference between a "defined benefit" and a "defined contribution" retirement plan. 14. ____
- a. A "defined contribution plan" exists in an account somewhere (e.g. 401K; I.R.A.). It is tax deferred, but it is sum of money in an account.
 - b. A "defined benefit plan" does not yet exist in a fund as it is based on a future flow of money. An example of a "defined benefit plan" is the old-fashioned "miners' pension", which is funded by a stream of contributions, usually by the current work force.
15. I understand that it is critical for me to contact the "plan administrator" of my retirement fund, whether defined contribution or defined benefit, or my employer's H.R. or personnel department, to get this information! 15. ____
16. If the plan is "defined benefit", I understand that determining its "present value" may require an expert accountant. 16. ____
17. I understand that a value for "personal property" is "used" valuation, such as a sale via "The Prospector," Facebook, or a yard sale or auction, and NOT a retail valuation. 17. ____
18. Think of it as the price a private party will pay another person for a particular item, such as yard sale price or "classifieds". 18. ____
19. I know that valuation of real estate, or a business, or of a collection of personal property may require my hiring an appraiser. 19. ____
20. I also understand that a "rule of thumb" valuation of real estate may, by convention, be done by dividing the gross value of my asset shown on the tax ticket by .60, and that this number is the figure that the County Assessor has placed on our real estate. 20. ____
21. Examples of personal property are televisions, cars, furniture, guns, tools, cash, savings, checking, and pretty much anything that is not physically anchored to our land like a house, barn, or well. 21. ____
22. Examples of real estate are a house and lot, fishing camp, farm, barn, or condo. 22. ____
23. Often, determining their values are critical to my case. 23. ____
24. I did not just scan this certificate. I read it, absorbed it, and commit to it.
25. **Certified and verified:**

Client

Date

pg

2. http://hunterlawfirm.net/wp-content/uploads/2020/06/ClientsFinancialCertification.06.01.2020-003_Page_2.j

pg

3. http://hunterlawfirm.net/wp-content/uploads/2020/06/ClientsFinancialCertification.06.01.2020-003_Page_3.j

pg

3.6 May

Auto Insurance Roulette: Is it Worth the Gamble? (2020-05-20 21:17)

[1]



1. We have all heard it. Jokes, "yucks", and false promises of auto insurance carriers promising they can each save you \$500- \$700 over the others. They are more like comedy clubs than critical support networks.
2. Remember, EACH company promises the impossible. Believe it, and you probably believe, "**Mexico is Going to Pay For a Wall!**"
3. Certain lies, told often enough, settle in as accepted truth.
4. But does anyone really think a wall will ever be built, regardless of who pays for it?
5. And do any of you think even one of these companies has "The Holy Grail" that lets it sell a valuable product for less than it costs to produce?

6. That's exactly what these companies want you to believe, if only they can package their lies in a distracting, funny, message.
7. We all know 'The Geico Gecko'. Isn't he cute?
8. Or Progressive's hilarious Flo and Jamie, and their new truculent girl agent? Aren't they whacky?
9. Or Allstate's "Mayhem"? Or its deep-voiced, "Save 40 %" guy who wants to put an electrical "Nanny" in your car?
10. And, we all love Farmers Insurance's "Hall of Claims", "We know a thing or two because we've seen a thing or two!".
11. Can Anyone stand Liberty Mutual's insipid scenes on the waterfront or the guy with the ostrich! "I can *saaave* you!".
12. What's going on here? It appears to me to be a pitched battle for "the lowest common denominator".
13. These ads assume and depend upon their having the dumbest customers on earth.
14. I would like to believe that once they hook you on the "fire sale" price, they will upsell you on coverages or options, but they don't!
15. My average client knows 10 times more WV divorce law than what happens when a claim arises. Perhaps that's because they or a friend have been through a divorce but not a serious accident, not yet!
16. At what point do any of these "mascots" remind you that you risk financial and personal ruin if you select the wrong coverages?
17. Which whacky character points out what happens to YOU if you are seriously injured or killed by an uninsured or underinsured "tortfeasor"?
18. Do they even tell you what those terms mean?
19. Does Flo explain that you can lose your house and face bankruptcy if you buy a cut-rate policy and hit a kid who skate-boards from behind a sign into your path?
20. **They should, but they don't!**
21. And what of the kid whose life you took or ruined?
22. Everyone loses but Flo and Jamie and their greedy bosses.
23. Have you heard "Mayhem" explain to you the benefits of owning "**a personal umbrella**"?
24. Of course not! He literally could not care less. He just wants to hook you.
25. Does USAA's retired general say anything except inane "general"ities?
26. Of course not! He's there to sell insurance, not to explain insurance.
27. He's USAA's cheerleader, not its teacher.
28. You should see what I see as the lawyer of an innocent passenger or driver.
29. His or her life is turned upside down, sometimes literally!
30. My job is to turn it right side up and get her, him, or them a fair result.

31. Perhaps my client was a passenger, free of all fault, or a driver crossing a four-lane highway WITH the light who was creamed by an SUV that ran the stoplight!
32. I can think of two former clients who suffered greatly for want of coverage.
33. The first had \$200,000 in medical bills and permanent injuries.
34. The other had \$25,000 in medical bills and lost wages in the first two weeks.
35. Their claims are worth at least \$100,000 and \$500,000, respectively!
36. But, one had just \$25,000 per-person liability coverage and a \$25,000 underinsured limit.
37. The other had NO underinsurance protection, and his adversary who ran the red light had only \$25,000 liability per person. And my client had NO underinsurance?
38. **What does that mean?**
39. It means the person with the one half million dollar claim maxes out at \$50,000, with \$250,000 in insurance subrogation claims looming to take most of that.
40. And, that client must contest with other injured passengers over the \$25,000 *per-person* liability limit.
41. **With luck, she might get to keep \$10,000 of her half-million-dollar claim.**
42. The guy with \$25,000 in medical bills, who checked the, "**I don't want underinsured coverage**" box on his policy application will soon learn that the \$25,000 liability coverage of the person who creamed him is ALL he can collect.
43. The cut-rate policy provided him no protection against an uninsured "tortfeasor".
44. And, from that sum will come his lawyer's fee, expenses, and those pesky "subrogation claims".
45. He too will be lucky to clear \$10,000 from his \$100,000 claim.
46. **These potential tragedies are looming behind every false promise** of Progressive, Geico, Allstate, Farmers, and Liberty Mutual!
47. My explanation here isn't as funny as Flo's little finger, but then her brain is no bigger than this tip of my little finger.
48. **It is one of the biggest scams going on in America**, and to me it just isn't funny.
49. That's why I write on the subject.
50. Just go to my Blog and search for "Insurance" or "Umbrella".
51. See you there! [2]www.hunterlawfirm.net/blog

1. <http://hunterlawfirm.net/wp-content/uploads/2020/03/skype1.jpg>
2. <http://www.hunterlawfirm.net/blog>

A Legal Resource if Your Life is Off-Kilter (2020-05-07 21:44)

[1]



As the photograph shows, I was a bit "off-kilter" last week when the large brush pile I was pulling yanked my Kubota tractor sideways.

Many of us are feeling "off-kilter" during the "Covid 19 Crisis".

As a trial lawyer who represents individuals and families, **I can give four examples:**

1. You may have needed a divorce for a long time, and the Crisis has just exacerbated the problems. But money is short. What to do?!

2. Your troubled, but viable, marriage is no longer viable.
3. The pressure cooker of your life has led to domestic violence; or,
4. You were "rear-ended" six months ago, your medical bills are \$5000, and the other guy's insurance adjuster is stringing you along.

Starting last to first:

1. **The answer is clear for the person who was rear-ended.** It would have been better if you had called me when the collision occurred, but call now: **304 472-7477**. Or write me at **hunterjb@hunterlawfirm.net**. Our process is a smooth one. You pay nothing if we don't get your recovery, and our contingent fees are below those charged by most firms. Our 40+ years of practice means we can maximize the net to you while usually avoiding filing suit.
2. **There is a very small time window for filing a domestic violence petition** and getting a protective order. The statute lists five examples of domestic violence. I write about it in several blog articles. Just search my blog, [2]www.hunterlawfirm.net/blog . My biggest tip if the abuse involved violence is to go to the emergency room to get checked out and tell the doctor honestly what happened. If you can't reach me, call the police and work with the agency tasked with assisting domestic violence victims. They can help you negotiate the fill-in-the-blank petition. But call me soon for representation in that matter and any related proceeding such as a divorce. or custody dispute.
3. **But what can you do if it is time to end the marriage?** Assuming, at this difficult time, you do not have the \$2000- \$5000 for full representation, you can get help for ending the failed marriage, or for a custody dispute. For a "mere" \$500, we can give you access to your options, ghost-write forms or pleadings, answer critical questions, and offer a flexible fee structure.
4. I can help as mediator or counsel if you are negotiating a parenting plan.
5. The end of the Corona Virus crises is uncertain, but there's no reason not to called
6. **Our goal is to give you at least a \$1000 value for that small, \$500, investment, while keeping open the option of "full representation".**

1. <http://hunterlawfirm.net/wp-content/uploads/2020/04/1.tractor.jpg>

2. <http://www.hunterlawfirm.net/blog>

3.7 April

A ROADMAP TO BURTON HUNTER'S IDEAS AND "WISDOM" (2020-04-29 17:41)

[1]



Sometimes it takes your best friend to get you to view a problem from a different perspective.

He explained that my production can seem overwhelming to a layperson. 1400 pages, 400 articles, and over 30 videos. I guess it can seem daunting even if it is "fully searchable".

But, below, at his suggestion, are my best blog searches, the ones that will let you explore a topic by scanning the blog article titles. I have highlighted the terms in red. There are just over 50! Hope it helps.

"Even though Mr. Hunter's 1400 page and 400 article blog is fully searchable with a table of contents, some people find the amount of material daunting.

Here are his favorite blog searches to guide you in you in your search."

This is the link to my blog: www.hunterlawfirm.net/blog : Feel free to create your own searches.

BELOW ARE MY TERM SEARCHES

PERSONAL INJURY AND CONTINGENT FEE AND INSURANCE RELATED

Blog Search for “ **Personal Injury** ”: [2]<https://tinyurl.com/y88bhxxh>

Blog Search for “ **Slip and Fall** ”: [3]<https://tinyurl.com/ydfp4tzi>

Blog Search for “ **Rear End Collision** ”: [4]<https://tinyurl.com/y8ybdzaw>

Blog Search for “ **Car Wreck** ”: [5]<https://tinyurl.com/y9e8fbnd>

Blog Search for “ **Auto Accident** ”: [6]<https://tinyurl.com/yca7tw8r>

Blog Search for “ **Truck Collision** ”: [7]<https://tinyurl.com/ybce32jw>

Blog Search for “ **Contingent Fee** ”: [8]<https://tinyurl.com/ybey7gln>

Blog Search for “ **Insurance** ” and “Claim”: [9]<https://tinyurl.com/y9bcyrwy>

Blog Search for “ **Closed Head Injury** ”: [10]<https://tinyurl.com/y6w9hlgo>

Blog Search for “ **Insurance and Coverages** ”: [11]<https://tinyurl.com/yc5gyjcs>

Blog Search for “ **Underinsured Coverage** ”: <https://tinyurl.com/y7d6sngw>

Blog Search for “ **Uninsured Coverage** ”: [12]<https://tinyurl.com/ydg7uhvb>

Blog Search for “ **Personal Umbrella Insurance Coverage** ”: [13]<https://tinyurl.com/y7orcojc>

Blog Search for “ **What is a Subrogation Claim ?**”: [14]<https://tinyurl.com/ygrupjsg>

Blog Search for “ **Insurance Bad Faith Settlement Practices** ”: [15]<https://tinyurl.com/y9hjdpr>

Blog Search for “ **Deliberate Intent Claims Against Employers** ”: [16]<https://tinyurl.com/yd68bchq>

Blog Search for “ **Professional Malpractice** ”: [17]<https://tinyurl.com/ybx2bck5>

Blog Search for “ **Comparative Fault** ”: [18]<https://tinyurl.com/y7yl4y6l>

Blog Search for “ **Product Liability** ”: [19]<https://tinyurl.com/ya82d4rt>

Blog Search for “ **Defective Product** ”: [20]<https://tinyurl.com/y8yzqxbt>

Blog Search for “ **Wrongful Death** ” : [21]<https://tinyurl.com/y9fdmd5g>

FAMILY LAW RELATED

Blog Search for “**Divorce**” : [22]<https://tinyurl.com/y7uomfl6>

Blog Search for “ **Custody** ”: [23]<https://tinyurl.com/yafeegdb>

Blog Search for “ **Winning Your Child Custody Case** ”: [24]<https://tinyurl.com/yajk4abm>

Blog Search for “ **Child Support** ”: [25]<https://tinyurl.com/y9t8buhl>

Blog Search for “ **Alimony** ”: [26]<https://tinyurl.com/ycdcwq8m>

Blog Search for “ **Allocation of Parental Rights** ”: [27]<https://tinyurl.com/yd9eeush>

Blog Search for “ **Children** ”: [28]<https://tinyurl.com/yd6krh73>

Blog Search for “ **Adoption** ”: [29]<https://tinyurl.com/ya43lex9>

Blog Search for “ **Contempt of Court** ”: [30]<https://tinyurl.com/yasngf3u>

Blog Search for “ **The Family Law Restraining Order Bill** ”: [31]<http://hunterlawfirm.net/the-wv-senate-bill-430-now-a-law-that-no-one-has-heard-of/>

Blog Search for “ **Domestic Violence** ”: [32]<https://tinyurl.com/y7pp6leu>

Blog Search for “ **Relocation of a Parent** ”: [33]<https://tinyurl.com/y7z9fqd5>

Blog Search for “ **Access to Child’s Records** ” : [34]<https://tinyurl.com/ycvtfgh5>

Blog Search for “ **Decision Making** ” by a parent: [35]<https://tinyurl.com/y79dqr74>

Blog Search for “ **Equitable Distribution** ”: [36]<https://tinyurl.com/ybm56acr>

Blog Search for “ **Retirement Benefits** ”: [37]<https://tinyurl.com/yd6h5xnt>

Blog Search for “ **Modification of Family Court Order** ”: [38]<https://tinyurl.com/ydagxcuc>

CIVIL SUITS, PREVENTIVE LAW, DISPUTE RESOLUTION,

NEGOTIATION, MEDIATION, AND OTHER

Blog Search for “ **Civil Action** ”: [39]<https://tinyurl.com/y7rw8yb7>

Blog Search for “ **Right of Way** ”: [40]<https://tinyurl.com/yas4o3g8>

Blog Search for “ **Jury Trial** ” : [41]<https://tinyurl.com/ybz825b6>

Blog Search for “ **Estate Dispute** ”: [42]<https://tinyurl.com/ycop2gc2>

Blog Search for “ **Law Office Management** ”: [43]<https://tinyurl.com/y9q7wqdf>

Blog Search for “ **Legal Checkup** ”: [44]<https://tinyurl.com/yachfhbb>

Blog Search for “ **Power of Attorney, Medical Power of Attorney, Will, Living Will** ”: [45]<https://tinyurl.com/yao8ozlk>

Blog Search for “ **Mediation** ”: [46]<https://tinyurl.com/ybas2qnp>

Blog Search for “ **Alternate Dispute Resolution** ”: [47]<https://tinyurl.com/y7d3s36y>

Blog Search for “ **Negotiation** ” : [48]<https://tinyurl.com/y7rqco8l>

Blog Search for “ **Unbundled Legal Services** ”: [49]<https://tinyurl.com/y8y5cz6b>

Blog Search for “ **Ghost-writing or Legal Coaching** ”: [50]<https://tinyurl.com/ya7eu8l3>

Blog Search for “ **Religion, Religiosity, and Philosophy** ”: [51]<https://tinyurl.com/yacmbx6x>

Blog Search for “ **Obesity** ”: [52]<https://tinyurl.com/yc3olgvz>

Blog Search for “ **Gun Violence and Firearms** ”: [53]<https://tinyurl.com/yappfrl2>

Blog Search for “ **Social Media** ”: [54]<https://tinyurl.com/y9asz8nt>

Blog Search for “ **Family Court** ”: [55]<https://tinyurl.com/y84novfk>

Blog Search for **Mr. Hunter’s “Nuts and Bolts”** : [56]<http://hunterlawfirm.net/?s=%22Nuts+and+Bolts%22>

Blog Search for

Mr. Hunters Basics Searches: “101” : [57]<https://tinyurl.com/yakg9ob3>

1. <http://hunterlawfirm.net/wp-content/uploads/2020/04/1.tractor.jpg>

2. <https://tinyurl.com/y88bhxxh>

3. <https://tinyurl.com/ydfp4tzl>

4. <https://tinyurl.com/y8ybdzaw>

5. <https://tinyurl.com/y9e8fbnd>

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30. <https://tinyurl.com/yasngf3u>
31. <http://hunterlawfirm.net/the-wv-senate-bill-430-now-a-law-that-no-one-heard-of/>
32. <https://tinyurl.com/y7pp6leu>
33. <https://tinyurl.com/y7z9fqd5>
34. <https://tinyurl.com/ycvtfgh5>
35. <https://tinyurl.com/y79dqr74>
36. <https://tinyurl.com/ybm56acr>
37. <https://tinyurl.com/yd6h5xnt>
38. <https://tinyurl.com/ydagxcuc>
39. <https://tinyurl.com/y7rw8yb7>
40. <https://tinyurl.com/yas4o3g8>
41. <https://tinyurl.com/ybz825b6>
42. <https://tinyurl.com/ycop2gc2>
43. <https://tinyurl.com/y9q7wqdf>
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46. <https://tinyurl.com/ybas2qnp>
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53. <https://tinyurl.com/yappfrl2>
54. <https://tinyurl.com/y9asz8nt>
55. <https://tinyurl.com/y84novfk>
56. <http://hunterlawfirm.net/?s=%22Nuts+and+Bolts%22>
57. <https://tinyurl.com/yakg9ob3>

Mr. Hunter's Message to Adversaries (2020-04-27 23:29)

[1]



Mr. Hunter's Message to Adversaries:

[2]<https://youtu.be/zKZ0ZEALMQo>

Whether you are a lawyer or unrepresented, here is my message to you. We will fight you if we must, but often there is another way, negotiation, mediation, collaboration, reciprocity. It's called "The Golden Rule". And it works.

1. <http://hunterlawfirm.net/wp-content/uploads/2020/04/StSimons.jpg>

2. <https://youtu.be/zKZ0ZEALMQo>

Mr. Hunter's Promise to Potential Clients (2020-04-27 23:20)

[1]



Mr. Hunter's Promise to Potential Clients:

[2]<https://youtu.be/sgaWtuVjgoo>

In this 1.5 minute video from a few years ago, I give a simple promise to potential clients;

Experience, excellent staff, excellent procedures, a good system, and fair fees.

1. <http://hunterlawfirm.net/wp-content/uploads/2020/04/StSimons.jpg>

2. <https://youtu.be/sgaWtuVjgoo>

Just for Fun: An Auto Racing Memoir (2020-04-24 21:19)

[1]



Burton Hunter Auto Racing Memoir:

[2]<https://youtu.be/2vmX6eXIQmc>

A friend got me to read, via Audiobook, a biography of Journalist H.L. Mencken, perhaps the most famous journalist of the 20th century. It is amazing to follow the story of a person's growth from child to adult, to fully formed adult, and to what follows.

On a dual track, I am reading Doris Kearnes Goodwin's "Team of Rivals" starting with thumbnail bios of Chase, Seward, Bates, and Lincoln, four driven and brilliant men.

But we all have a life. Mine has been charmed. In spite of mistakes, I've been blessed.

One theme has been my love of fast and sporty cars and my engagement with The Skip Barber Racing School, Lime Rock Park Race Track, Summit Point Race Course, The Sports Car Club of American, the

Sports Car Drivers' Association and a class of small sedans called "showroom stock".

We raced in something called the Mid-Atlantic Road Racing Series (M.A.R.R.S.) where showroom stock was born. Our cars were the fastest in the U.S. Our fields were over 50 cars, and we had a blast!

Such an experience builds confidence and some courage. It was selfish, and I hope my family has forgiven me, but I gave it up when that was necessary and moved on to live this blessed life.

Unless you are "sheltering in place" and your DVR is broken, and your Direct TV disabled, I know 46 minutes is a bit long, but it's the truth as best I can remember. Here it is.

jbh

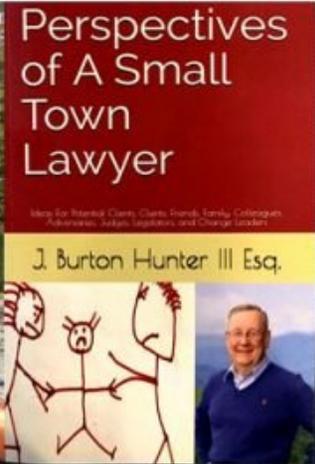
1. <http://hunterlawfirm.net/wp-content/uploads/2020/04/BurtSkipBarber.jpg>

2. <https://youtu.be/2vmX6eX1Qmc>

A Legal Check Up on the Things that Matter: (2020-04-24 20:41)

[1]

What kind of lawyer do you want in your corner?
For your personal Injury, Divorce, Custody Fight, Modification or Civil Dispute?



How about, tough, smart, compassionate, shrewd, and experienced?
J. Burton Hunter III
gets up each day committed to the best interests of his clients and their children.
Full representation? "Unbundled consultation" and "ghost-written" document preparation?
Reasonable rates, or discounted contingent fees? We adapt to your budget and your needs!

Call 304 472-7477; www.hunterlawfirm.net

A Legal Check Up on the Things that Matter:

Wills, Powers of Atty, Insurance, and the rest:

[2]<https://youtu.be/pq6kIRjimVI>

Here we are; a month into "The Judicial Emergency" declared by the administrative order of the WV Supreme Court of Appeals.

We have just learned that it has been effectively extended to May 18, 2020. Deadlines have been extended, hearings canceled, and only emergencies and strict inflexible deadlines will be observed.

What a great time it is for someone who needs some legal advice to find a lawyer available to give it. It is a time to contemplate our place in the world and to act to protect our families.

I am blessed to be staying busy, but not with several hearings a week, deadlines, and interruptions that are the norm.

We can take time to speak with you, assess your needs, and make a plan. It's not free, but this product is not expensive either. Where else can you get \$1000.00 worth of information and attention for only \$500.00?

I am winding down the videos that I recorded while "sheltered" in the State of Connecticut three weeks ago. I will be sharing some "oldies but goodies", writing some blog articles, and even recording some new videos as time permits. I have to share what I know.

I hope to be meeting some of you soon. We will work hard to make it worth your while.

jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2019/12/WhatKindLawyer.jpg>
2. <https://youtu.be/pq6kIRjimVI>

Domestic Violence: the Ramifications (2020-04-23 21:15)

[1]



Domestic Violence, the Ramifications from Either Perspective:

[2]<https://youtu.be/sHPhZFbY>

Domestic violence is an ever-present reality in our fair State. And there can be no doubt that when you add to the mix the isolation, financial strain, medical issues, and worry of the **Covid19 Crisis, it's going to increase.**

I urge perpetrators to seek help. Remember, it isn't always a broken arm or gunshot. Abusers break furniture, harm or threaten to harm pets, restrict movement, or "engage in a pattern of behavior likely to cause harm."

But, perpetrators lack insight and empathy to know what they are.

I also urge victims or potential victims to seek help. But that tends to happen **AFTER** a serious act of domestic violence has occurred. And once it occurs, the victim often has only minutes or a few hours to make the right decisions. We can help formulate a plan.

This video provides a short overview, and perhaps a lead-in to other articles I have written. It is a serious subject with often deadly serious ramifications.

I have been on both sides of this issue. While there are patterns, each case is different, and often there are solutions other than having one winner and one loser. Call and we can talk about it.

304 472-7477; or 472-0475

1. <http://hunterlawfirm.net/wp-content/uploads/2020/04/Full-head-shot.jpg>
2. <https://youtu.be/sHPhZFbYnMY>

Up in the Air? We Are Here For You! (2020-04-22 14:55)





J. Burton Hunter III and his remarkable staff are here,

working, and serving our clients.

And, as any business, we need and want new clients!

We can Skype, Facetime, or Zoom if needed,

but three "old standbys" will usually suffice:

- 1. The telephone: call us at 304 472-7477 or 472-9475.**
- 2. E-mail us at hunterjb@hunterlawfirm.net or receptionist@hunterlawfirm.net; and,**
- 3. If you are symptom-free, we are controlling our front entrance and only allowing 1-2 people in at a time. So we will meet you face to face.**

Even with the courts closed for all but emergencies, we are in touch with their staffs. They too are working, but sometimes with a skeleton staff.

We can help with your serious auto accident or other injury claims, your "legal check-up", adoption, conservator-guardianship, contempt matter, divorce, will or deed preparation, civil dispute, right of way or boundary line dispute; pretty much anything and everything we do

If "Pap" is in the hospital and needs to make that critical change to his will, we can work that out in a way that disgruntled parties can't successfully challenge it.

In a time like this, Mr. Hunter's 40+ years of finding solutions and avoiding problems can be a critical factor.

Indeed, it is time to find someone with "true grit" to find your solutions.

And we do it for a fair price, discounted during "virus time".

1. <http://hunterlawfirm.net/wp-content/uploads/2020/04/2.ladder.jpg>

2. <http://hunterlawfirm.net/wp-content/uploads/2020/04/1.ladder.jpg>

**My Three Beefs with our System, my Colleagues, and The WV Legal Aid Society
(2020-04-21 21:06)**

[1]



My Three Beefs with our System, my Colleagues, and The WV Legal Aid Society:

[2]<https://youtu.be/jOmvDZ302C0>

1. **That the family law court system of resolving parenting and divorce issues is, by definition, "adversarial";**
2. **That family law attracts too many adversarial, "win at any cost", personality types into the practice; and,**
3. **The Legal Aid Society, contrary to WV Supreme Court expectations will not negotiate a parenting plan that requires the alternate dispute resolution tool called "mediation."**

What if there were a better way?

1. <http://hunterlawfirm.net/wp-content/uploads/2020/03/skype1.jpg>

2. <https://youtu.be/jOmvDZ302C0>

Intro: Access to Justice, Unbundled Services, Contingent Fees, Family Law, Mediation, Collegiality (2020-04-21 16:43)

[1]



Intro: Access to Justice, Unbundled Services, Contingent Fees, Family Law, Mediation, Collegiality:

[2]<https://youtu.be/q1tVK9xPWRw>

Got five minutes? In this introductory video, I spend perhaps a minute each on several subjects that encompass the panoply of subjects I wish to cover in this video series.

It's a good summary, except my family law services, which I cover in meticulous detail in many other of my new videos.

1. Access to justice for low and middle income working people.
2. Unbundled legal services and civil litigation and estate work.
3. Contingent fee and personal injury practice.

4. Mediation and negotiation;
5. Collegiality and mentoring; and
6. Family law, custody, divorce, contempt, alimony, and adoption.

You name it, and it's likely we can help you.

I hope you find in this introduction something to keep you digging for more.

I have around 30 videos, 400 blog articles, and my book, same name as my blog, "Perspectives of a Small Town Lawyer."

jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2020/04/Full-head-shot.jpg>
2. <https://youtu.be/q1tVK9xPWRw>

An Example of an Unbundled Legal Service: Allocation of Parental Rights, AKA "Paternity Suit" (2020-04-20 19:10)

[1]



An Example of an Unbundled Legal Service:

Allocation of Parental Rights, AKA "Paternity Suit":

[2]<https://youtu.be/1ig2nxa3lXY>

There are myriad services a lawyer can provide, on many subjects, that fit the label "unbundled".

It is a way that a person with a limited budget, or who wants more answers before deciding to retain a lawyer for full-representation, can get important information.

Our formula for unbundled services is designed to provide up to \$1000 worth of services for a flat fee of \$500.

I can curate nearly 1500 pages of blog writing, 30 videos, 400 articles, and a 300 page book entitled *"Perspectives of a Small Town Lawyer"*, so that you can decide what to do next.

The phrase "**Allocation of Parental Rights**" is analogous to what used to be called, "A Paternity Suit".

In the age before DNA or even "blood grouping" testing the biological issue of parentage was often a contested trial of "He said; she said". Now, the biology is the easy part, but what is commonly, but mistakenly, called "custody" is a major challenge. And the custody law of the State of WV have recently been re-written.

In the "Age of Allocation", the stigma for a child born "out of wedlock" is much reduced. But the unwed parties often have no clue how to approach parenting, to trust, collaborate, or communicate, especially when factors such as drugs, alcohol, or domestic abuse exist.

Your small investment of \$500 may be the best investment you can make.

Issues such as time with a child, medical and other decisions, access to records, where the child is going to live, and something called "custody" do not turn on "common sense".

There are statues and reported WV Supreme Court cases that govern all of these issues.

An "unbundled full legal consultation" allows you to keep all options, to proceed without counsel, or, more likely, to understand how important having a lawyer to represent you is.

Even if you have no alternative to self-representation, that small investment will allow you to have much more information about your and your child's rights than the other side has.

1. <http://hunterlawfirm.net/wp-content/uploads/2020/04/Full-head-shot.jpg>

2. <https://youtu.be/1ig2nxa3lXY>

Renewal after Crisis: a Pattern of My Life (2020-04-20 16:45)

[1]



Renewal after Crisis: a Pattern of My Life:

[2]<https://youtu.be/GxVANwpkvVM>

1. Let's hope this post does not have a long shelf life.
2. As I sit here today, there is great uncertainty about the future of America and the world.
3. As I write this, I don't even know if we will ever return to routinely shaking hands.
4. During my life, I've learned that a person's handshake tends to say a lot about that person, and "A person's handshake is his or her bond."
5. Much of what we are learning should be followed every winter.
6. This is a great example of how interconnected our world is and how foolish it is to think America can wall itself off from the rest of the world.
7. And maybe it shows us that we cannot become too reliant on any foreign country for certain products.
8. I recorded this while quarantined and consider today to be my first day outside of it.
9. It is my pledge to persevere during this period of stress and renewal.
10. Best wishes to all our readers, viewers, clients, and friends.

jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2020/04/Full-head-shot.jpg>

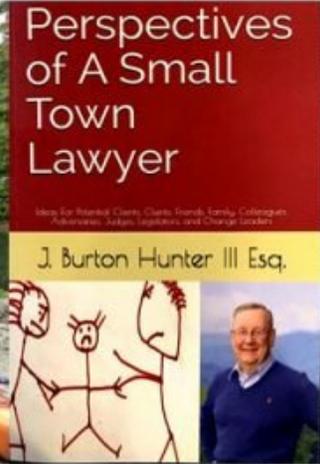
2. <https://youtu.be/GxVANwpkvVM>

THE AGONY OF AN ACCIDENTAL INJURY and PICKING UP THE PHONE TO CALL A LAWYER (2020-04-17 12:21)

[1]

What kind of lawyer do you want in your corner?

For your personal Injury, Divorce, Custody Fight, Modification or Civil Dispute?



How about, tough, smart, compassionate, shrewd, and experienced?

J. Burton Hunter III

gets up each day committed to the best interests of his clients and their children.

Full representation? "Unbundled consultation" and "ghost-written" document preparation?

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THE AGONY OF AN ACCIDENTAL INJURY and PICKING UP THE PHONE TO CALL A LAWYER

[2]<https://youtu.be/hIEVCFsBYc8>

1. It happens in an instant. You just slipped out of the house to get the essentials at the store, leaving your kids under loose supervision by your next-door-neighbor. Your husband is "on the road" and won't be back for four days, and you need to swing by to pick up your Mom's prescription and your Dad's newspaper.
2. But the guy who is texting and driving doesn't care. He runs that stop sign and "T-Bones" you, fracturing your cervical vertebra and ribs, and giving you a significant brain trauma.
3. You wake up in the hospital, facing a week in the hospital and a week in rehab. And TWO YEARS until you reach "maximum medical improvement", "MMI".
4. You'll need an in-home care provider, a wheel-chair, and then walker, transportation to myriad medical appointments, and a lot of grit to get through this.
5. But, everything is foggy! You just can concentrate, your short term memory is messed up, and you are having anxiety attacks, flashbacks, and nightmares.
6. "Hubby" has taken off work, a blow to your budget, and your support system is stretched thin.
7. Just to make it interesting, you are in the midst of the Coronavirus crisis!
8. **What should you do?**
9. From my experience, the average person and her family think calling a lawyer at this stage will appear crass and greedy.
10. After all, we all know Fran and Jamie from Progressive, the Deep-Voiced Man from Allstate, the Geico Gecko, the Jolly Jokester from Farmers Mutual, or Liberty Mutual's "Limu Emu".
11. We can trust them, right? Short answer, **"NO!"**. They aren't real. They are animated, or they are actors, or they are props.
12. In fact, every one of them lies to you every day. They are marketing gimmicks, trying to hook you with minimal fees for minimal coverage.
13. As the moments tick by, the evidence is seeping away. The cell phone data may be destroyed, witnesses move on or move away, adjustors forget to contact you, medical records and the police report are not being ordered, the security video of the wreck will soon be erased, and, often critical, no one is analyzing your various insurance coverages.
14. Nor are they contacting the right parties, or saving you thousands of dollars.
15. **You are immobile at the worst possible time!**
16. One big example of a risk of delay: the medical provider may not want to accept your Medicaid, Medicare, or WV C.H.I.P. medical insurance card.
17. Your credit rating is plummeting because no lawyer has written to the providers and instructed them to accept the card.
18. They want the dollar-for-dollar reimbursement that a cash settlement may provide, but that settlement may be contested or it may be months away.
19. Your insurance is your insurance! Use it! Your lawyer will help you deal with your medical insurance providers' "subrogation claim" later, often with a large compromise of their total claim. The savings can go into your pocket.

20. You need someone you can trust and learn from.
21. That's why we are here. And, we compete with lower fees and greater experience than most of the firms with the huge T.V. advertising overhead.
22. We hope you stay safe, and we hope to hear from you if you don't.

jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2019/12/WhatKindLawyer.jpg>
2. <https://youtu.be/hIEVCFsBYc8>

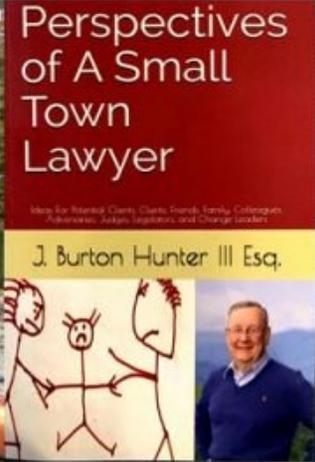
The Imperative of a Full Legal Check-up; an “Unbundled Legal Service”: (2020-04-16 21:58)

[1]

What kind of lawyer do you want in your corner?

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The Imperative of a Full Legal Check-up; An “Unbundled Legal Service”:

[2]<https://youtu.be/YpTnNFm82ng>

I notice I have used the term "unbundled legal service" in several of my videos.

Here's the most basic" doing something that is "Important but not Urgent".

Of course, if you are on your death bed or headed into "the valley of the shadow of death", it might be Important and Urgent.

But most of the time we say, "Manana". We think we have plenty of time. None of us can know that.

A "legal checkup" is not only a simple will or pair of wills. We also prepare general and special powers of attorney, "durable" powers of attorney, medical powers of attorney, living wills, and guardianship designations.

We can review your insurance coverages and limits and give advice based on our experience in representing people who file claims, sue, or get sued!

There are other forms of unbundled services, for people who can't afford full representation, or for people who are not sure. They have the option of retaining us if they decide that's what they need.

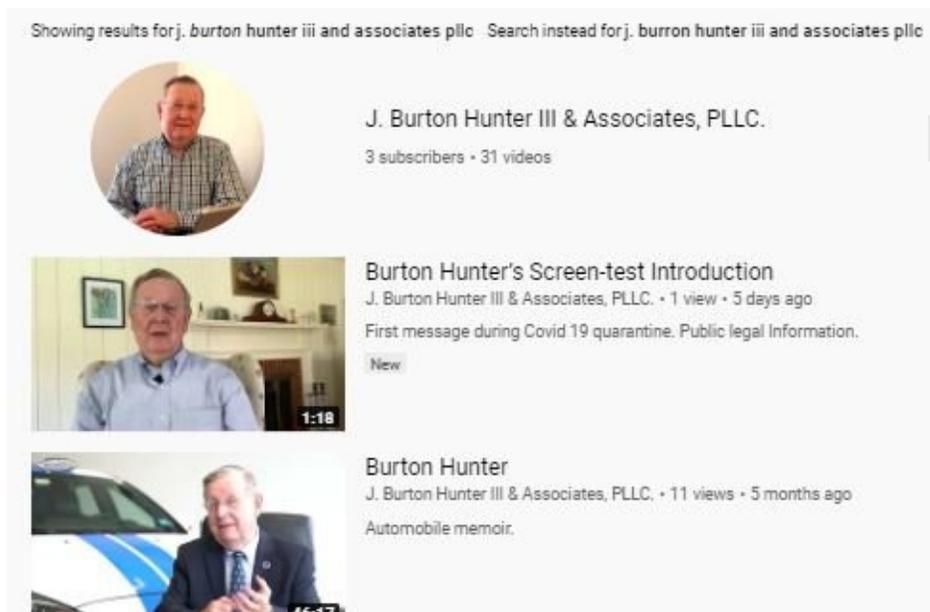
If you are in a second marriage with grown children on both sides, if you are conflicted on what to do or how to do something, if you have a troubling neighbor, all of these may be a good reason to get "your legal ducks in a row". Quack!

1. <http://hunterlawfirm.net/wp-content/uploads/2019/12/WhatKindLawyer.jpg>

2. <https://youtu.be/YpTnFm82ng>

Burton Hunter's Screen Test Introduction - New Video Series (2020-04-16 21:40)

[1]



This 40 second video is supposed to be self-deprecating:

1. I am not here because of my looks, or because others have begged me to post.
2. I am here because I have done this one thing, be the lawyer for individuals for forty four years and an assistant Staff Judge Advocate in the U.S. Air Force for four.
3. I have "learned a thing or two" and devised my own methods based on my values and experience. I like to share and mentor, so I love my writing and I've enjoyed making the videos. Please browse the titles.
4. Just type "J. Burton Hunter III and Assocs PLLC" into the Youtube search for my Channel if this video misdirects.
5. YouTube tends to lead where it wishes.

Burton Hunter's Screen Test Introduction: [2]<https://youtu.be/RJReur-WbgM>

1. <http://hunterlawfirm.net/wp-content/uploads/2020/04/1.-Intro.-1.jpg>

2. <https://youtu.be/RJReur-WbgM>

Simple Technology that Allows Me to Speak to You (2020-04-15 11:50)

[1]

218



Simple Technology that Allows Me to Speak to You: **[2]<https://youtu.be/Nw9RwRtWETE>**

Before posting your video, here are a few ideas:

1. Have something to say. Experience helps as does caring for others.
2. Bragging you are smarter and better only goes so far as everyone says that.
3. And, as you will see here, being "hunky handsome" doesn't hurt!
4. Have a recording device with sufficient capacity to record your message, I have the maximum memory on my iPad Air and my iPhone Xx.
5. Have a wireless remote "clicker" to start and stop your video.
6. Have a remote microphone; mine is wired and is slipped to my shirt.
7. You need a mount, one for your iPhone and one for your iPad, and you must be able to video in landscape or portrait view.
8. And, you need a sturdy tripod, strong enough for your iPad.
9. With those you can video an elderly person and have them explain that they are acting of their free will, know who they are and what they own, and even look into that screen to explain to their "wayward child" why he or she is not being included.
10. Or you can video your own depositions.
11. Or, as here, you can share what you know in your own way.

12. Good luck!

1. <http://hunterlawfirm.net/wp-content/uploads/2020/03/skype1.jpg>

2. <https://youtu.be/Nw9RwRtWETE>

Messages from Connecticut During the Great Crisis (2020-04-15 11:29)

[1]

Showing results for j. burton hunter iii and associates pllc Search instead for j. burron hunter iii and associates pllc



J. Burton Hunter III & Associates, PLLC.
3 subscribers • 31 videos

Burton Hunter's Screen-test Introduction
J. Burton Hunter III & Associates, PLLC. • 1 view • 5 days ago
First message during Covid 19 quarantine. Public legal Information.
New



Burton Hunter
J. Burton Hunter III & Associates, PLLC. • 11 views • 5 months ago
Automobile memoir.



Messages from Connecticut During the Great Crisis: [2]https://youtu.be/p_KF6vBw46E

Here I begin my conversation, from a Ct. living room, sheltered, with my friends, family, clients, potential clients, colleagues, adversaries, and judges.

jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2020/04/1.-Intro..jpg>

2. https://youtu.be/p_KF6vBw46E

The Need for A Legal Check-up at a Time of Crisis: Wills, Powers of Atty, etc. (2020-04-14 09:28)

We all received a reminder of our mortality the last month. Isn't it time to step back and do an assessment of you legal health?

Have you been meaning to update your will? Have a econd marriage, with adult children of each of you?

One child out of synch with the others?

Or in need of a "special needs trust" so he/she won't lose his/her means-tested benefits when you pass on?

Or do you have an older relative with myriad questions and issues? Are they in assisted care? Should they be?

How about a low-grade dispute with a neighbor that you don't want your kids to inherit?

Or maybe you don't understand your insurance coverages or what might happen if you are sued for "seven figures"? Do you have the right insurance? What if you are injured by someone with little or no insurance?! How will you recover from that?

Or how about a benefits review or a simple approach to estate planning?

Such a "legal check-up" is a flat fee of only \$500. When will there be a better time?

[1]<https://youtu.be/pq6kIRjimVI>

1. <https://youtu.be/pq6kIRjimVI>

Mr. Hunter's Screen Test. (2020-04-14 09:25)

Over ten years, with the world facing an economic crisis, I give thought to how would I survive and thrive. Nearly 11 years later, my health is fine, My practice is fine, and I have authored nearly 400 blog articles, 1400 pages, and a book of the same name, "Perspectives of a small town Lawyer".

You can find it in paperback and kindle at Amazon.com.

Last week I was shut-in with an elderly relative during a crisis in my wife's family. So, I put together my "studio" and recorded twenty messages, from 40 seconds to seven minutes, on many of the topics in my book. Slick? Hardly. Useful? I hope so. With luck, I'll see you in 11 years with something new.

Here's my screen test! **[1]<https://youtu.be/RJReur-WbgM>**

1. <https://youtu.be/RJReur-WbgM>

Video Series 2020: While Locked Down by the Coronavirus (2020-04-13 20:04)

It took six months to get back to a subject I covered at The Family Law Seminar which was held at the WVU College of Law in Sept. 2019.

The subject was producing videos, of depositions or informational online messages. I showed the remote Bluetooth on-off fob; a remote wired mic, mount for your iPad or iPhone, and a tripod.

With time on my hands during a recent emergency family visit, I spent a few hours outlining the questions to be asked, setting up my "set", and thinking about what I would like to know if I were a layperson in need of legal advice or services.

I had done some videos before, so here are screenshots of around 30 videos, from 40 seconds to 7 minutes in length.

The photos below are not 'live links", but you can follow this link and even subscribe to my YouTube Channel. Or search the channel for keywords in the titles below.

[1]<https://www.youtube.com/channel/UCiH68bxdkje-b4NSQ6mAtgQ>

[2]



Showing results for j. burton hunter iii and associates pllc Search instead for j. burton hunter iii and associates pllc

 J. Burton Hunter III & Associates, PLLC.
3 subscribers • 31 videos

 **Burton Hunter's Screen-test Introduction**
J. Burton Hunter III & Associates, PLLC. • 1 view • 5 days ago
First message during Covid 19 quarantine. Public legal information.
New

 **Burton Hunter**
J. Burton Hunter III & Associates, PLLC. • 11 views • 5 months ago
Automobile memoir.

[3]

 **Five minutes on how to keep operating in a time of crisis?**
 J. Burton Hunter III & Associates, PLLC. • No views • 3 days ago
 Lawyers, as an essential service, have an opportunity to keep operating, to catch up on those "important but not urgent" projects, ...
 New

 **What can Intellectual Depth and Curiosity Contribute to the Humanity of Legal Representation?**
 J. Burton Hunter III & Associates, PLLC. • No views • 3 days ago
 Why does Mr. Hunter's book, "Perspectives of a Small Town Lawyer", include observations on science, religion, philosophy, ...
 New

 **One Great Idea for Resolving Conflicts and Disagreements Between Parents**
 J. Burton Hunter III & Associates, PLLC. • 1 view • 3 days ago
 Divorced or separated parents often carry their differences post relationship, to the detriment of their children. Here is a method for ...
 New

[4]

 J. Burton Hunter III & Associates, PLLC. • 1 view • 3 days ago
 Mediation is a dispute resolution process that can save you thousands of dollars and months of delay. It can help teach you how to ...
 New

 **My Disagreement with Legal Aid about Family Law Mediation**
 J. Burton Hunter III & Associates, PLLC. • No views • 3 days ago
 It may be because a person who resolves a dispute pre-suit through mediation will not come to them, but I strongly disagree with a ...
 New

 **One Method to Enforce Parenting Plans and Reduce Conflict**
 J. Burton Hunter III & Associates, PLLC. • 1 view • 3 days ago
 Software options and techniques to keep track of communication regarding your children.
 New

[5]

 **What Does Burton Hunter have to offer the person injured by the fault of another.**
 J. Burton Hunter III & Associates, PLLC. • No views • 3 days ago
 Experience, staff, professionalism, 25 year Board Member of the WV Association for Justice, and great fees rates.
 2:07 New

 **West Virginia's "Deliberate Intent" law; claims against your employer above Workers' Comp**
 J. Burton Hunter III & Associates, PLLC. • No views • 3 days ago
 Yes, there are times when you can file a claim or a suit against an employer who causes and injury because of a dangerous ...
 5:04 New

 **What is Mediation?**
 J. Burton Hunter III & Associates, PLLC. • 1 view • 3 days ago
 Mediation is a dispute resolution process that can save you thousands of dollars and months of delay. It can help teach you how to ...
 4:26 New

[6]

 **Why do you insert commas and periods into your sentences!**
 J. Burton Hunter III & Associates, PLLC. • No views • 5 days ago
 Do you think this is easy. For you it might be. Just a bit of process before we get to substance.
 0:42 New

 **Mr. Hunters Message to His Colleagues**
 J. Burton Hunter III & Associates, PLLC. • 34 views • 3 years ago
 Burton Hunter's appeal, from perspective of 44 years in the practice of law, for civility, passion, creativity, and civility in the ...
 1:32

 **Messages from Connecticut during the great crisis.**
 J. Burton Hunter III & Associates, PLLC. • 1 view • 5 days ago
 What a small town lawyer does while sheltering from the Coronavirus, Covid 19.
 0:39 New

 **An Example of an Unbundled Legal Service: Allocation of Parental Rights, AKA "Paternity Suit"**
 J. Burton Hunter III & Associates, PLLC. • No views • 5 days ago
 Few people have less understanding of the legal ramifications as a young couple, uncommitted for life, who face an unplanned ...
 2:04 New

[7]
 224

 **Renewal after Crises: a Pattern of My Life**
 J. Burton Hunter III & Associates, PLLC. • No views • 5 days ago
 Mr. Hunter explains his approach following the financial meltdown of 11 years ago, and compares to today.
[New](#)

 **Mr. Hunter's Message to Judges.**
 J. Burton Hunter III & Associates, PLLC. • 57 views • 3 years ago
 Burton Hunter's Plea to Judges, Law School Professors and Deans, Politicians, and Professional Organizations.

 **A Legal Check Up on the Things that Matter: Wills, Powers of Atty, Insurance, and the Rest**
 J. Burton Hunter III & Associates, PLLC. • No views • 5 days ago
 There are some basics, but "a legal checkup" can prepare for and deal with many of the stressors of life.
[New](#)

[8]

 **Domestic Violence, the ramifications from either perspective**
 J. Burton Hunter III & Associates, PLLC. • 2 views • 4 days ago
 Domestic violence covers many behaviors and can be civil, quasi-criminal, or criminal defense. It is NOT an area a parent or ...
[New](#)

 **The Imperative of a Full Legal Check-up; An "Unbundled Legal Service".**
 J. Burton Hunter III & Associates, PLLC. • No views • 5 days ago
 We visit our doctor, dentist, grocer, and our pets' vet; so why do most neglect their legal health?
[New](#)

 **Mr. Hunter's Message To Adversaries**
 J. Burton Hunter III & Associates, PLLC. • 57 views • 3 years ago
 Burton Hunter's message to adversaries; lawyers, represented parties, and unrepresented parties. A plea for civility, and a ...

[9]

Simple technology that allows me to speak to you.
 J. Burton Hunter III & Associates, PLLC. • 1 view • 5 days ago
 It takes a tripod, a clip-on mike, an iPad mount, a tri-pod, and a remote "on-off button".
 New

WV's New Child Custody Law
 J. Burton Hunter III & Associates, PLLC. • 2 views • 3 days ago
 There is a new child custody statute for initial custody allocations, in divorces and between unmarried parents.
 New

Unbundled Legal Services and Ghostwriting; an Underused Service: Protecting yourself on the cheap.
 J. Burton Hunter III & Associates, PLLC. • No views • 5 days ago
 WV is not on the cutting edge of change in the production of legal services. Here is a way to get "bang for your buck" while ...
 New

[10]

Mr. Hunter's Promise to Potential Clients
 J. Burton Hunter III & Associates, PLLC. • 6 views • 3 years ago
 Burton Hunter presents his firm's mission statement.

Intro: Access to Justice, Unbundled Services, Contingent Fees, Fam Law, Mediation, Collegiality
 J. Burton Hunter III & Associates, PLLC. • 2 views • 5 days ago
 Mr. Hunter list major areas where he has written and spoken on improving his profession.
 New

Do I Need a Lawyer to Represent Me in a Divorce?
 J. Burton Hunter III & Associates, PLLC. • 1 view • 4 days ago
 Usually the answer is yes, you should, but what about a very simple divorce or a party with few resources?
 New

[11]



My first try in connecting with family court via Skype

J. Burton Hunter III & Associates, PLLC. • 1 view • 5 days ago

Broken-hearted, but we got started from our end. Nice to know my library is still good for something.

New



My Three Beefs: with our system, my colleagues, and with the WV Legal Aid Society

J. Burton Hunter III & Associates, PLLC. • No views • 4 days ago

My "beefs", are the Family Law "adversary system"; the family lawyers who are full "adversarial", and Legal Aid and its opposition ...

New



Mr. Hunter's Promise to Potential Clients

J. Burton Hunter III & Associates, PLLC. • 6 views • 3 years ago

Burton Hunter presents his firm's mission statement.

1. <https://www.youtube.com/channel/UCiH68bxdkje-b4NSQ6mAtgQ>
2. <http://hunterlawfirm.net/wp-content/uploads/2020/04/1.-Intro..jpg>
3. <http://hunterlawfirm.net/wp-content/uploads/2020/04/10.jpg>
4. <http://hunterlawfirm.net/wp-content/uploads/2020/04/9.jpg>
5. <http://hunterlawfirm.net/wp-content/uploads/2020/04/8.jpg>
6. <http://hunterlawfirm.net/wp-content/uploads/2020/04/7.jpg>
7. <http://hunterlawfirm.net/wp-content/uploads/2020/04/6.jpg>
8. <http://hunterlawfirm.net/wp-content/uploads/2020/04/5.jpg>
9. <http://hunterlawfirm.net/wp-content/uploads/2020/04/4.jpg>
10. <http://hunterlawfirm.net/wp-content/uploads/2020/04/3.jpg>
11. <http://hunterlawfirm.net/wp-content/uploads/2020/04/2.jpg>

3.8 March

How to Serve Clients During the Coronavirus Crisis (2020-03-26 20:23)

How does a small firm cope with the Coronavirus and Covid 19? Here's my approach:

[1]

Dear Clients:

- a. Keep in mind that I have several kinds of clients, so some of this will not apply to you.
- b. Governor Justice has issued his “shelter in place” order, except for businesses that are “essential services”.
- c. We are “an essential service”, especially for matters with critical deadlines like domestic violence, juvenile matters, and criminal arraignments.
- d. Tuesday we will commence a couple of weeks of keeping our front door locked, while working hard inside to protect our clients’ interests and earn a living.

Here’s the plan:

1. We will use e-mail and scanning software, and our own smart phones to keep your matter moving forward.
2. We will admit clients to our office for pre-scheduled appointments, but only one client and companion at a time.
3. We will keep surfaces spotless, and we **ask you not to come in if you have any cold or flu symptoms**. Use our hand sanitizer.
4. The Supreme Court’s administrative order has closed the Courthouses and extended all court deadlines to April 11, but we have no problem keeping the deadlines we have.
5. Most law firms will have people in their offices, but none are doing face to face mediations. They are offering “virtual” mediations.
6. We believe family court, circuit court judges, and some staff will be coming to work.
7. Family Court hearings will be via “Skype for Business”.
8. Any client who is involved in a contested case or “family conflict” must be very careful.
9. Never before has “turn the other cheek” and “The Golden Rule” been more desirable.
10. Restraint, compromise, candor, and common sense can defuse some situations. Try.
11. We can continue building your personal injury claims’ and civil cases’ documentation, medical bills, etc. That will not slow down.
12. **This is important:** If we gave you the pre-printed financial and other family court forms, or our “**digging down kits**”, this is a great time for you to sit down quietly to get them done. Read all instructions, call banks, personnel office, retirement boards, etc. “DO YOUR HOMEWORK”.
13. **Take careful screen shots of documents or scan and send them to us!**
14. My staff will not be able to “hold your hand” or work in proximity filling out these forms. Not safe for them or you.
15. If you have a cognitive issue or literacy problem, find a family member or friend help you, even if you have to do by phone. Most forms we give you have good instructions. Read them!
16. Please have patience with us and the courts, but stay in touch. If you write with questions or information, remember my strong preference is for numbered paragraphs, 1-2 lines each! Those are called, “Mr. Hunter’s top ten lists”.
17. **Keep your own lives on an even keel;** don’t let trash build up at home, plan activities for you and your children; home school them, books, lessons, then games and even t.v. but NOT “wall to wall” screens.
18. Sound obvious? Yes, but I am encountering a lot of disorder and disfunction, so I must send the warning.
19. Read/study of anything we send you, from “the other side” or from us. Don’t just say, “I assumed you got it right.” Or “I can’t understand legalese.”

Read, study, think, pray.

On behalf of my staff, we are here to serve you, hope you and yours are well, and will see you on the other side of this.

Regards,
Burton Hunter

Or we can use technology such as Skype for Business for remote hearings and client meetings:

[2]



Just double click here: [3]<https://photos.google.com/photo/AF1QipPnmYIDLMmserDcmKzP5ERBDXIeUb6xtu8Rvb6W>

Seriously, my staff and I can communicate with Skype, so I can participate in hearings or a client meeting remotely. My first try at a Family Court hearing was a flop, but my staff and I could and see and hear one another clearly. Part of "the future of the law".

jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2020/03/DearClient.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2020/03/skype1.jpg>
3. <https://photos.google.com/photo/AF1QipPnmYIDLMmserDcmKzP5ERBDXIeUb6xtu8Rvb6W>

Public Announcement During Corona Virus Crisis (2020-03-23 20:42)

Note to friends and the public: we are heeding our Governor's announcement, but as an "essential business", and by vote of my staff, we will lock our front door but be working hard inside. Knock and we may admit you, or otherwise help.

We will see no more than 2 people at a time, taking great care to "distance" ourselves, keeping all surfaces, knobs, and handles clean.

We will use Skype for Business for certain hearings.

We will be accepting new clients, especially emergencies or time-critical matters such as personal injury claims. Delay there can mean disaster.

You can call us at 304 472-7477; or write hunterjb@hunterlawfirm.net

3.9 February

SOME PERSONAL INJURY TRIAL PRACTICE TIPS (2020-02-26 20:46)

I admire lawyers who can remember details, case and statute citations, complex medical terms, and the names of people they meet.

Another kinds of "smart" is knowing who to ask for help and what questions to ask.

We have had a nice string of a few years where we settled our personal injury cases for "fair settlement value" but did not have to take one to trial. That left us a bit "rusty". In prize fighting they used to call it "ring rust".

Our firm associates with some major firms in specialized or complex cases, medical malpractice, "deliberate intent", industrial accident, cases, such as the Sago Mine Disaster, and product liability matters involving defective products, devices, and drugs.

Now we are preparing for trial in some "bread and butter" auto accident and "slip and fall cases", so we called the two lawyers we associate the most and got the following tips:

First Lawyer Interview:

In regard to proving medical damages:

1. You must make sure that every bill is incident related.
2. That requires a chart from the bill back to the injury, making sure that bills prior to the injury are not included; nor are charges for infectious disease or a part of the body that was not injured.
3. Be alert to other injuries. If your client falls and injures an ankle while the claim is pending to find out a. How it happened. b. Was anyone else responsible for that injury? c. How has it impacted the current injury(ies), and was the old injury exacerbated?
4. The answers can impact the prospects for your claim.
5. The insurance information and social security number has to be redacted. (One has to do with privacy. In the other, the existence of insurance could cause a mistrial if the jury learns of it!
6. You must meet with the treating doctor or doctors and get a certification that the claimed bills and treatment were the direct result of the claimed injuries.
7. It is cumbersome and expensive to bring in records custodians to testify in support of authenticity, so work had to get the other side to stipulate to authenticity and accuracy of the records, but getting the other side to stipulate to causation or reasonableness is not easy.
8. Having the written doctor's opinion or testimony at a deposition can facilitate such stipulations.
9. You can ask your client questions regarding the bill and treatment received after the injury, was that injury present immediately after the "accident", and if whether the total bills are a certain amount.
10. You can get the bills and records admitted but NOT regarding the reasonableness, necessity, and directly-related questions.
11. A doctor must testify regarding the reasonableness of the treatment, that the treatment was necessary, and that the treatment was directly related to injuries from the "accident".
12. If there is a good primary doctor, they can usually come in because that is who normally referred out for the treatment.
13. You can send the client to a medical expert of your own. (IME). Then that provider can state that all records (treatment) and bills were reasonable and medically necessary. I.E. Dr. _____ who charges about \$1,000.
14. Again, the client can testify regarding the amount of a bill, and the treatment he/she received.

15. The doctor has to testify regarding the treatment - that is was necessary because of the "accident", that it was reasonable, and that it was necessary.
16. The trend is for doctors not to want to be involved, especially with the massive growth of WVU Hospital Systems, so work hard to meet with the doctor and have your chart and records complete and concisely organized. (I presume the Doctor can be subpoenaed, but she/he won't be a "happy camper". But perhaps the threat of subpoena can get doc's attention?)
17. Testimony of Treating Doctor - It is great to have the treating doctor at trial, but it is more expensive to bring the doctor to trial.
18. Normally the treating doctor's testimony is taken by deposition a couple weeks before trial in order to get medical bills and records into evidence.
19. You will email the stuff (records/bills) to the doctor beforehand. During the video deposition you will tender things such as the medical bills total and ask that doctor to agree that the treatment provided was related to the injuries and was reasonably necessary
20. You will ask whether the treatment was related to injuries sustained in the "incident". You will say you would like to tender that into evidence. The video depositions replaces the need to have the doctor at trial.
21. Once you retain an expert you bring them in live at trial.
22. Doctors in the Clarksburg/Fairmont area are typically \$1,000 to examine the client and will typically say that the medicals are reasonably necessary.
 - (a) Make sure that all of the documents you need for trial exhibits are:
 - (b) Organized by provider;
 - (c) A redacted set of bills (no insurance or SSN information visible)
 - (d) You will need this at any deposition because that will be used as that provider's trial testimony and the jury will see it.
 - (e) You will typically NOT call in a custodian of records.
 - (f) The doctor has to say it is related to the "incident".

Second Lawyer Interview

1. Regarding records: authenticity is normally stipulated with the other side and there is no need for the record custodian to authenticate.
2. You should probably use Bates stamping.
3. You pre-mark exhibits.
4. There is a difference between authenticating and admitting the documents.
5. You have to have the testimony of the doctor regarding treatment for admission of evidence.
6. If the doctor is just a treating doctor, you need to designate that treating physician as an expert.
7. You can list a treating physician as a fact witness on what treatment was rendered if not identified as an expert.

8. If the doctor is not designated as an expert, that doctor cannot testify that the treatment was needed, that the treatment was caused by the wreck, or what treatment would be needed in the future.
9. You should disclose that treating doctor as an expert. Be sure to have your checklist of questions to qualify your expert, especially a specialists!
10. WVU Hospital Systems: sometimes you have to go take their depositions and sometimes they are willing to meet.
11. Many lawyers prepare their trial preparation on an iPad.
12. They use "Trial Pad" which is compatible with DropBox, does opening statement, witness information, and will let you number your exhibits based on where they are used in your presentation.

3.10 January

Mediation: Slipping Away? (2020-01-27 19:36)

Here is a link to the 115 of my blog articles where I mention the word "mediation". You will notice several of them are linked to the terms "revise" or "revision". That's no coincidence.

[1]<http://hunterlawfirm.net/?s=mediation>

The following observations are mine alone. They are based on 25 years or so, of 47, of my experiences with the remarkable tool known as "mediation". Much of it is intuitive and what I "suspect" is happening, but I have a strong sense that I am right.

Civil mediation and family law mediation are quite different. There is more money on the civil side as there is often funding from insurance companies and from a well-funded personal injury or civil law firm. And, there may be only two issues: a. Liability? and b. Monetary Damages.

A typical family law mediation can have 10, 20, or more issues! Most counties where I practice send parties to mediate what they call "children's issue". But, sadly, most do not see the distribution of assets and debts, or the issue of alimony, as "children's issues" so they don't think they can order it. You tell me why the question of who gets the house or the safer car are not "children's issues."? I say if you are going to mediation, mediate and settle it all.

My book (paperback and Kindle on Amazon.com) "**Perspectives of a Small Town Lawyer**" has a large section on mediation and alternate dispute resolution. As I wrote those articles, I was optimistic that mediation was spreading around the state, and would be adopted as a nearly mandatory practice. I no longer see it that way.

I requested a family law committee be formed,, and the Chair of the "WV State Bar Alternate Dispute Resolution Committee" established, a committee (actually a subcommittee of her committee) focused on

family law mediation. I attended subcommittee meetings and eagerly wrote articles on my ideas for revising mediation for family law mediation in WV. The new Chair of the sub-committee was "not impressed" and called me a "bomb thrower" for wanting to spread this useful tool throughout the State for most unresolved cases.

Likewise, I was "not impressed" with his leadership, and moved on to other things. My experience is that "State Bar Committees" are not the place to find innovation or solutions, but at least they meet in neat places like The Greenbrier, Oglebay Park, The New River Gorge, and Snowshoe.

Since then:

1. I encountered "Legal Aid" lawyers who (because it is not within their funding?), "Will not agree to add mediation as an alternative dispute resolution method on a parenting plan agreement.", even though I believe it is required by our Family Court Rules.
2. An experienced colleague told me, "I never put mediation into my parent plan agreements. That should be up to the parties."
3. And a family court judge who I respect, former excellent mediator, ruled that "the mediation provision of a court-ordered parenting plan" is a "suggestion only". What?! A "shall" order is only "a suggestion"??
4. A "stealth" custody law was passed by our legislature which essentially moves "shared parenting", or what people used to call "custody" to a default 50 %/50 % for even marginally fit parents.
5. This is good news for most fathers and sad news for many mothers. and it arrived without our WV State Bar Family Law Committed having a clue it was coming. I say, "Be careful what you wish for." This law does not seem aimed at the best interests of children.
6. I had tracked two previous versions of new custody bills, but I confess that the one that was passed took me by surprise. It was simply announced at the end of a "Family Court Committee Meeting" as a "done deal"; something that important, sneaking under the radar with no input from "stake-holders".

I represent Fathers and Mothers in nearly equal numbers. I play the cards I am handed, but, in the pit of my stomach, I think this law was passed as a "men's right" political ploy, and I fear the children will suffer from "one size fits all". Lots of girlfriends and Grandmas will be taking on more parenting duties.

I am told that there is a large faction of family court judges, probably from ignorance, or because they want to "maintain control", who don't believe much in mediation. They may not have mediation as a tradition in their jurisdiction or not enough good mediators. I have written on the history of the development of family court mediation.

Mediation in WV is far from perfect, as some of the best mediators simply can't operate their offices on "the Supreme Court sliding scale", and there is a chance that low-income people, who can have a free lawyer for their trial but not for pre-litigation mediation, will be prejudiced by such a rule. I have ideas how to fix this, but "the powers that be" do not seem to be much impressed by my ideas.

I will continue to mediate whenever I can. I will serve as mediator here and there for someone who sees my experience and skill worth a small premium. I will continue to urge my clients and my opponents and colleagues to be less adversarial and more collaborative. What could be a better excuse for working together than your precious children and the family you had hoped to create?

I am doing what I can, but our courts, for hundreds of years, are set up to be "adversarial", and the people drawn to the legal profession are often not the people you would like to be solving your problems, especially family disputes. I treasure those lawyers who treat me with respect, and give me the benefit of doubt, but many have a "knee-jerk" reaction in the other direction.

The late journalist Jim Lehrer reminded us to "assume the best" in others and "remember there almost always is another side to the story." We lawyers often forget that as do the frightened and angry litigants.

My ideas are "out there" for anyone to read and consider. I hope the tide turns in the direction of negotiation, collaboration, collegiality, mediation, and transparency, but I am not making any bets. It may be our culture is turning back to darkness.

jbh

1. <http://hunterlawfirm.net/?s=mediation>

Thinking Outside the Box: Mankind and the Universe (2020-01-24 17:59)

There is no rule a small town lawyer cannot ponder his place in The Universe.

[1]<http://hunterlawfirm.net/burts-history-of-the-world-part-i-to-the-age-of-enlightenment/>

[2]<http://hunterlawfirm.net/burts-criticism-of-religion-and-religiosity/>

1. <http://hunterlawfirm.net/burts-history-of-the-world-part-i-to-the-age-of-enlightenment/>

2. <http://hunterlawfirm.net/burts-criticism-of-religion-and-religiosity/>

Enforcing a Child Custody Agreement, With and Without the Court (2020-01-17 12:06)

Time and again I meet people who have been dealing with violations of their court-ordered parent plan who have no clue how to enforce it.

They missed opportunity after opportunity to get things back on track, or, failing that, to set up the other side for a contempt or modification action. So, here is a couple thousand dollars worth of "free advice"..

[1]<http://hunterlawfirm.net/so-you-have-your-child-custody-agreement-now-what/>

1. <http://hunterlawfirm.net/so-you-have-your-child-custody-agreement-now-what/>

Unbundling of Legal Services: a Low Cost Alternative (2020-01-16 13:28)

The concept of unbundling of legal services is simple and economical, but for some reason it took 20 years or so for WV to permit it.

Here are several articles that I have written on the concept of paying a lawyer for a clearly defined job like ghostwriting a document or providing a behind the scenes consultation, or "legal coaching", with an option of moving to full representation. This is part of my efforts to bring legal services to as many people in WV as possible.

And, never forget, that in a "contingency fee" case the client does not pay unless there is a recovery. There is nothing new about that.

[1]<http://hunterlawfirm.net/?s=unbundling+of+legal+services+in+practice>

1. <http://hunterlawfirm.net/?s=unbundling+of+legal+services+in+practice>

The Custody Revolution in WV (2020-01-15 13:38)

It is time for me to write a comprehensive blog article on various custody issues in WV. There have been big changes including a new WV Custody law. In the meantime, here is a useful link.

I also need to speak of Adoption, Fostering to Adopt, Guardianship, Psychological Parent issues, Grandparents' visitation, Abuse and Neglect, and Juvenile Delinquency, and the role of the Guardian Ad Litem.

Here my last big article "The Maze of Child Custody in WV" and several related articles. Of course, if you have something immediate and pressing, just give me a call. 304 472-7477; or write me hunterjb@hunterlawfirm.net

[1]<http://hunterlawfirm.net/?s=The+maze>

1. <http://hunterlawfirm.net/?s=The+maze>

Personal Injury Essentials: Two to Bookmark (2020-01-14 12:26)

It only took a moment. There was a car stopped at the intersection. The next moment, it was in front of you, and your life was changed forever. Unlikely? Not so much, so perhaps you should take note of these two posts from my blog:

[1]<http://hunterlawfirm.net/an-article-to-bookmark-until-your-world-comes-crashing-down/>

[2]<http://hunterlawfirm.net/30-simple-facts-personal-injury-claim/>

1. <http://hunterlawfirm.net/an-article-to-bookmark-until-your-world-comes-crashing-down/>

2. <http://hunterlawfirm.net/30-simple-facts-personal-injury-claim/>

Fundamental Insurance Protection 2020 (2020-01-13 13:15)

I am no insurance expert; for that, go to my friend and colleague Vince King, or even your friendly local insurance agent; someone like Robbie Skinner of Buckhannon.

But, I am amazed at the paucity of real information that you get from Flo, from her goofy sidekick, from the deep voice guy who sits in the easy-chair in the intersection, and from the guy who plays a falling tree branch, slobbering Lab, or negligent tail-gaiter. All they sell is humor and "cheap".

Vince once saved a client of mine a million dollars, literally! He understood the intricacies of "personal umbrella coverage", and that knowledge made all the difference.

So, here are a couple of articles that I hope will help you protect yourself and your family, or at least get you started in that conversation with your agent.

1.

[1]<http://hunterlawfirm.net/buy-a-1000000-umbrella/>

2.

[2]<http://hunterlawfirm.net/various-insurance-coverages/>

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[1]



For over four decades, I have worked with people during some of their darkest times; recovering from injury or loss, their worlds falling down around them, or after destroying their own lives and their families' with stupid mistakes.

Above even that are the myriad crises and challenges of one's own life and family. I have had a wonderful life.

It is an emotional stew that rules my existence, leaving to ask, "How can I be the best person I can be?"

A few of you may remember that after a year of doing "other things", I announced earlier this week 30 days of postings of some of my most informative writing. It is a form of marketing and sharing what I know.

But things went off track. Duffy, above, is the culmination of a life filled with pets, dogs, cats, and a few other creatures. I loved every furry creature and each, in his or her way, was "the best". Each has a truly poignant story. All but one are dead.

Duffy was different. We got him the morning after he was "dropped" into the bin at the local shelter. He was scared, perhaps 6 weeks old! And he was lost, worried, lonely, and loveable. We scooped him up and never looked back. He had one scary, life threatening, event early in his life. Perhaps something he found in our garage? We nearly lost him. A month later he took off into the woods, chasing his favorite friends, the deer. He was gone for 3-4 days until we got "the call" from our neighbor.

Almost two years ago we noticed a troubling lump on his rib cage. The short version is that, thanks to a FB Friend, Martha, we found the Pittsburgh Veterinary Specialty and Emergency Center, PVSEC. He had two surgeries, had several ribs removed, and they discovered a large tumor wrapped around the ribs and a small one on his spleen. Two forms of deadly cancer

The diagnosis was terminal. But things went so well. Both tumors were removed. The chemo worked great. He tolerated it well and wasn't sick or sad for nearly two wonderful years

The costs? It was worth it.

The first chemo wore off, but the second round made all but one stubborn nodule fade away. Our new goal was to get it to be tiny and take it and one of three lobes of the lung out. We settled into a visit to Pittsburgh every other week. A treasured, almost magical, trip at Thanksgiving was with our Granddaughter Anna who wants to become a veterinarian. Not only did Anna get a tour of the PVSEC, but my phone lit up as we passed "TheTubes" in Pittsburgh. Sister Pat was ten minutes away at the bus station, so we picked her up, and all of us brought Duffy back home. It was a wonderful day.

Wednesday January 8th was to be a "routine" chemo infusion, the one before the decision about surgery. Duffy met me Monday after work, running up and down the hallway, around the dining room table, and feinting left and right as he made it clear, snow or not, he wanted his walk! We only got one more short, chilly, walk together

On Tuesday afternoon, his breathing changed, and his demeanor. He was in distress. We were relieved to have our appointment the next morning at 8:15 a.m.

He walked out of our bedroom on his own and took some water, but he had not eaten the night before,

and he "just wasn't right".

We experienced one of the sad days of our lives as we learned he had fluid (which turned out to be blood) around his heart. The X-rays showed a tumor on the heart that had ruptured. "But we thought we'd have another year!"

We didn't. we had only moments,

They brought him to us. His head hung low. His eyes were sad and a bit glassy. We cuddled with him on the floor, with kind people all around.

Something went wrong with the euthanasia, as he clearly felt pain when he wasn't supposed to. It passed in an instant but pierced our hearts. Then the drugs did their job. It was over.

If you are still reading this, do me a favor. Look into those eyes. This was the most loving, attentive, intuitive, and comforting creature I have ever known. And, if you ever visited us, in his quiet way he would let you know that you really are the most wonderful person, deserving of love, on the face of the earth. And he meant it.

We thank God that we had him. He helped us complete our lives and appreciate what it is to love and be loved. We miss him.

p.s. Lest one think from those deep brown eyes that Duffy had a sad streak, here he is the way we remember him, with our grandchildren and a full grin:

[2]



1. <http://hunterlawfirm.net/wp-content/uploads/2020/01/Duffy.R.I.P.1.08.2020.jpg>

2. <http://hunterlawfirm.net/wp-content/uploads/2020/01/Duffykids.png>

Annual Review 2020 (2020-01-07 12:24)

This time last year I published "Perspectives of a Small Town Lawyer", a 300 page distillation of 1400 pages and 360 blog articles written during a period of ten years. [1]www.hunterlawfirm.net For the next 30 days, I will select and publish each day, two of those articles, which are also chapters in my book. I encourage feedback and questions and ask that you subscribe to my blog. Perhaps I will be inspired to resume my regulars postings to the blog:

1. "Ten Critical Things About My Injury Claim?": [2]<http://hunterlawfirm.net/if-i-could-know-only-ten-critical-things-about-my-serious-injury-claim-what-would-they-be/>
2. "Ten Things About My Family Law Case?" : [3]<http://hunterlawfirm.net/if-i-could-know-only-ten-things-about-my-family-law-case-what-would-they-be/>

My book is available on Amazon.com in paperback and kindle and soon, I hope, on Audible.

jbh

1. <http://www.hunterlawfirm.net/>

2. <http://hunterlawfirm.net/if-i-could-know-only-ten-critical-things-about-my-serious-injury-claim-what-would-they-be/>

3. <http://hunterlawfirm.net/if-i-could-know-only-ten-things-about-my-family-law-case-what-would-they-be/>

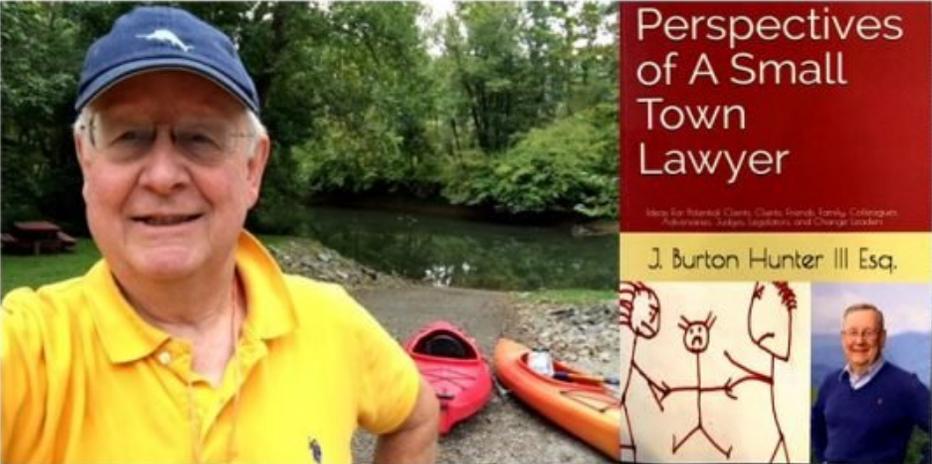
4. 2019

4.1 December

What Kind of Lawyer Do You Need? (2019-12-20 02:51)

What qualities do you need in your lawyer?

[1]



What kind of lawyer do you want in your corner?
For your personal Injury, Divorce, Custody Fight, Modification or Civil Dispute?

How about, tough, smart, compassionate, shrewd, and experienced?

J. Burton Hunter III
gets up each day committed to the best interests of his clients and their children.
Full representation? "Unbundled consultation" and "ghost-written" document preparation?
Reasonable rates, or discounted contingent fees? We adapt to your budget and your needs!

Call 304 472-7477; www.hunterlawfirm.net

1. <http://hunterlawfirm.net/wp-content/uploads/2019/12/WhatKindLawyer.jpg>

4.2 October

No Retirement for Burt! (2019-10-30 23:02)

One gets a few grey hairs and makes a few changes to his office, and the questions begin.

Burt is healthy, vigorous, and busier than ever:

[1]

Is Attorney Burton Hunter Retiring?!



He's been called assertive, aggressive, opinionated, driven, caring, pig-headed, a bulldog, a kind man, protective of clients, experienced, self-confident, and passionate in all he does.



BUT NEVER "RETIRING"!
Sold our building but staying put. 304 472-7477.

1. <http://hunterlawfirm.net/wp-content/uploads/2019/10/IsBurtHunterRetiring.10.28.2019.jpg>

Ten Subjects on Law Office Management and Technology (2019-10-08 19:43)

I learned at a recent WVU College of Law Seminar that WV may be the only state where our rule of professional conduct require us to be competent with technology. Most other states "suggest" that we do so.

I think that competence requires us to be tech savvy. I was privileged to be asked to speak at The Law School and decided to gather and survey a broad range of resources, beyond most peoples idea of Law Office Technology. They included many books, tutorials, software apps, gadgets, hardware, and office management procedures that work for me.

Whether you are a student, small business owner, educator, lawyer, judge, or office holder, or simply someone who wants to understand the world around you, I think you will find something in these 94 PDF slides.

Enjoy:

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uced.9.12.pdf"]

url="https://hunterlawfirm.net/wp-content/uploads/2019/10/1.2019FamLaw.Red

-

Preparing Yourself and Your Office For the Future (2019-10-08 19:25)

Why have I not been blogging recently? Here goes:

1. We took a couple long awaited, and I hope well earned, vacations this year. They were not "working vacations" as I have done in prior years where I work and write or edit my writings.
2. [1]



[pdf-embedder url="http://hunterlawfirm.net/wp-content/uploads/2019/10/Preparing-for-Your-Future.09.11.2019.pdf" title="Preparing for Your Future.09.11.2019"] [2]



3. But I have done some writing. Here is the article that was published in the WV Lawyer magazine for Sept. 2019 on preparing one's self and office for the future: [3][pdf-embedder url="http://hunterlawfirm.net/wp-content/uploads/2019/10/Preparing-for-Your-Future.09.11.2019.pdf" title="Preparing for Your Future.09.11.2019"]

4.

1. <http://hunterlawfirm.net/wp-content/uploads/2019/10/Badlands-2.jpg>

2. <http://hunterlawfirm.net/wp-content/uploads/2019/10/Yellowstone-Canyon.jpg>

3. [http://\[pdf-embedderurl="http://hunterlawfirm.net/wp-content/uploads/2019/10/Preparing-for-Your-Future.09.11.2019.pdf" title="PreparingforYourFuture.09.11.2019"\]](http://[pdf-embedderurl='http://hunterlawfirm.net/wp-content/uploads/2019/10/Preparing-for-Your-Future.09.11.2019.pdf']title='PreparingforYourFuture.09.11.2019)

4.3 April

Burt's Writing Rules (e-mails and memos) (2019-04-28 16:55)

Burt's Rules

These "rules" are not researched or "official" in any sense, but I had very good high school English teachers, the best. In my office, here is what I want, simple and direct. Editor's note. For the most part, I have omitted quotation marks below, and sorry that I have not yet mastered the new WordPress editor "Gutenberg 101".

We must speak in direct voice.

She was informed that people were saying bad things about her. No.

Betty told Sally that Zack said she is a bitch. Better

We speak in the proper number and tense.

I done. No. I did. Yes

They seen. No. They saw. Yes

Prepositions are words such as of, to, by, before, without. A prepositional phrase requires a comma.

As time goes by, Duffy gets bored.

Before we can go to lunch, we need to have a meeting.

A compound sentence must have a comma:

Billy runs around the yard, and Sally swims in the pool.

Billy runs around the yard, and he swims in the pool.

Billy runs around the yard, and Billy swims in the pool.

Without two subjects and two verbs, it is not a compound sentence.

Billy runs around the yard and swims in the pool.

Sally runs around the corner and hits Billy in the head.

A semi-colon, at least as I use it, is a super comma or an almost period. (Note the parenthetical phrase in this sentence: they require a comma on each side, like baby parentheses.)

Billy swims in the pool; Sally, in the pond.

Billy runs in yard; Sally swims in the pool. (This is cheating, but sometimes I do it.) Better to use a period.

How many sentences in a paragraph. Google says between three and eight.

But "Burt's rule" in e-mail and memos is no more than two sentences, and no more than 3-4 lines, per paragraph.

Number those paragraphs; and try to hold it to one or two lines each.

We do not do indefinite antecedents:

He is a very fine fellow. (Who is "he"?)

"Mayor Pete" is a very fine fellow. That is a surprise, as he went to Harvard.

We have no "Oxford commas" in our office. They are simply commas. But they must go "all the way".

He wore green, black, grey, purple, and red; and looked terrible! (the semi-colon there was because of a pause to try to picture this odd fellow. But, notice the indefinite antecedent. Be sure we can identify who wore those colors.

Jimmy ran, jumped, tumbled, rolled, skipped and ran. No!

Jimmy ran, jumped, tumbled, rolled, skipped, and ran! Correct.

In Capt. Judy's class, a "comma splice" meant twenty points off in a theme grade.

Joe climbed the tree, Bill jumped the fence. It must be: Joe climbed the tree, and Bill jumped the fence.

Sally sleeps all the time, she must have sleep apnea. No! Sally sleeps all the time. She must have sleep apnea.

Closely related to a "comma splice" is a "run on sentence"; being two sentences that are connected without even the comma. e.g., She plays with trains he plays with guns.

We don't splint infinitives. Fred asked her to quickly run to the store.

Quickly, Fred asked her to run to the store. No.

Fred asked her to run to the store quickly. Correct.

If Billie has two brothers, his named brother will be an adjective; and if he has one brother, the named brother will be a noun. What?

Billie's brother Ben hit a home run. No comma, and "brother" is an adjective describing Ben.

Billie's brother, Ben, came home early from work. Here "brother" is a noun, so Ben must be set out with parenthetical commas, as it is setting out the name of Ben's only brother.

In "a." above, since there are two brothers, "Ben" is used only to identify which brother. Get it? If not, 5 push-ups!

Word use;

I appreciate him running to the store for me; No!

I appreciate his running to the store for me, or I appreciated him for running to the store for me. (I know; indefinite antecedent. Fred of course!)

I try to eat only healthy food. No! I want to be healthy, so I try only to eat only healthful food. (Not "to only eat.)

A parenthetical phrase must have an opening and closing comma.

Joe, being inexperienced kept snagging his lure in the tree limbs. No!

Joe, being inexperienced, kept snagging his lure in the tree limbs. Yes!

You do not get money in a tax return You get money in your tax refund.

You do not put your will in a safely deposit box. It is a safe deposit box.

Finally, it is not normalcy. Burt is a traditionalist. He prefers normality.

You may not like these rules, but they are the ones that Burt prefers. jbh

**RURAL DIS-CONNECTIVITY: Part of WV's Plight: And My Struggles with DirectTV and AT&T
(2019-04-15 13:32)**

This is a blog article and Complaint to West Virginia Attorney General Consumer Protection Division about the Buckhannon, WV AT &T store.

It is a story of dozens of wasted hours, false promises, incompetence, and unconcern for customers.

EDITOR'S NOTE 7-17-2020. The SAGA CONTINUES

Today I listened to an NPR interview of a parent desperate to get his children back to school. He and their mother have jobs they must keep in order to survive, jobs that require them to be present.

He stated that he lives "seven miles out from a city of 16,000".

I live five miles out of a rural county seat of 6000.

His satellite wi-fi service sucks! Ditto.

He had to buy a "cellular booster antenna". Ditto!

After two years of frustration and hell, on April 29, 2020 of this year, I struck gold! I spent all day (six out of eight hours) on the phone with AT &T and DirectTV trying to find out why they lowered my Wi-Fi from 100 Gig to 50 and took away my "hotspot".

Eureka! "Bethany patiently explained, around 4:00 p.m., that not only was my 100 Gig service restored, I had called at a good time and my service would be 150 Gig!

Later, AT &T rep Eddie Massey got my hotspot going again. I need that when I visit my wife's 99 year old MOther and her family in CT.

So, Imagine my chagrin when AT &T sent me notices on June 29 and July 12, 2020 that my "80 gig" of available wi-fi was used up!

Yep; DirectTV and AT &T reneged on my deal and have emasculated my home office to our weak cellular "unlimited" service which AT &T "reserved the right to slow down" any time it wants to.

EDITOR'S NOTE 4-28-2018; I am struggling to learn the new editing platform, Gutenberg 101. But, in the interest of transparency, I wanted to mention that "Eddie" called a week or two ago, two weeks after his assistant promised, to say someone had sent him the link to this article. He solved one problem by bringing me a "sim card" to allow my new iPad Air to connect to my AT &T account and connect via cellular as well as Wi-Fi. Thanks Eddie. He insists we now are on the right account, but so far we can't confirm that. He promised the 128 Gig iPad for \$199, which is great, as I have promised it to our daughter as her birthday present! But, apparently there is "a catch". Even though we connected the iPad Air for \$20/mo., we may not be able to get the promised "bargain" iPad because we will not be connecting it to our account. I am still filing my complaint with the Attorney General, and have reached out to a trial lawyer colleague regarding other potential remedies. I am pleased at my new Internet speed and capacity; it is light years beyond Hughes.net. One lives and learns. I still hope my readers will learn something valuable from my difficult experience. jbh

Editors note 5-13-2019: Two days following my filing of a complaint with the WV Attorney General's Consumer Complaint Division, I received a call on my cell phone. I started to disconnect as I heard a strong (but pleasant) accent, until she said she was Adriana Niante of the office of the President of AT &T.

I stayed and learned that she wished to discuss my "escalation", which she explained was my complaint. She correctly noted my complaint was lengthy and convoluted and asked for an opportunity to investigate. I assured her I would and made it clear I did NOT ask that Chris be fired or disciplined, just retrained.

I found the note in my wallet, so called her on Friday and left a voicemail. Within an hour I got a call from Chad, recently hired director of the WV AT &T stores, based in Harrisonburg Va.

Turns out that he and Nancy were travelling the same joint stretch of I-77 and I-64 in Beckley. He drove by Tamarack while she was having lunch there.

I suggest you now read the article and come back.....

AT &T has agreed that I get my iPad; "for free" as I will be charged \$199 and then credited \$199. And, and didn't need or ask for it, but I get unlimited data for two years, first charged, one time, and then credited \$480!

And I get an apparently sincere apology, and they will defer Chris for now but work with him so no one ever has to go through this particularly nasty experience.

We have our two iPhoneS Maxis, the iPad Air and keyboard that I bought from Apple for \$1300, and the "free" iPad, soon to be a gift to a beloved family member.

The "enhancer" works, as does the "ATT &T Hotspot", which is a wifi router. We have unlimited data on the devices, and 100 Gig of data through the router, and 15 for each device when connected. That's 145 Gig vs. the 20 we had with Hughesnet.

Our Hughesnet contract is severed, as we plan to do with Frontier. It was quite a learning experience. As in everything in life, perseverance and persistence, clarity and determination, are important tools.

AND MY WIFE HAD TO DRIVE ME TO WORK TODAY BECAUSE OF A FLAT TIRE THAT FIXAFLAT WOULD NOT FIX! TECHNOLOGY!

This frustrating, expensive, and protracted journey bears relevance to anybody trying to negotiate the multiple layers of challenges in communicating with any large entity in this "digital age".

It is also relevant to the challenges any adult, but especially those over 50, have in dealing with modern technology and communication. This applies particularly to other small-town lawyers and their clients.

Finally, the connectivity challenges for persons who live only 3 miles from their County Courthouse are part of the reason that West Virginia is suffering economic stagnation and cultural malaise.

My beloved wife of 50 years, Nancy, could see it coming. Our technology was failing us. Our Sirius Radio could no longer be wireless in our house, so it was useless. Our DirecTV no longer permits us to rent a new movie, as its download speed is so slow the movie takes 24 hours to download.

But, our primary problem was the continuing deterioration of HughesNet Satellite Internet. When we first subscribed, it worked fine, except in storms. But as our devices used more data, streaming became common, and, as cloud-based services arrived, HughesNet could not keep up. It reminded me that Howard Hughes had become a recluse and then died.

During one of the many phone conversations with HughesNet tech support before our last "upgrade", the HughesNet representative told me "confidentially", "We have been having lots of problems, because we had too many customers. But our new satellite should take care of that." In other words, "We have been lying to you for the last year." I appreciated the candor.

My HughesNet complaints were my first experience with our new Republican Atty. General's Consumer Protection Division. I wonder how our Attorney General missed that. It impacted thousands of customers, but

his assistant wrote me, "We recommend you seek relief elsewhere." Patrick Morrissey is no Darrell McGraw!

I am an avid consumer of educational videos. Evernote, CaseMap, Pathagoras, Photoshop Elements, Excel, and Microsoft Word are a few of my courses. For me they are a form of therapy, and they constantly give me ideas for improving our service and quality of life.

My courses and my writing are a few hours of "sanity" in a week punctuated by emergencies and interruptions. That's why I need a home office. Good luck with that in rural WV. You'll need it, or lots of persistence.

Even with the slow, heavily buffered, signal, that our "high-speed" HughesNet HG5 provided, it ran out before the end of three weeks each month. So, we had to limp along at a greatly reduced speed for that last week; unless, of course, relatives or friends came to visit as their many devices quickly used are remaining data. We learned it is a magnificent "20 gig"! So much for "robust business level service". Your Granny uses that much on her iPhone.

I precipitated the "final straw" when I came upon a 14-minute YouTube video by my nerdy, Canadian, "Boomer", YouTube blogger, Steve Dotto on the subject, "Google Photos 2018: The one - stop tutorial", <https://youtu.be/YXe68lxpqWo> .

I was blown away by the "A.I." built into this application. Remarkable face recognition. Using Google Cloud, you can upload all your photos and find they are neatly sorted into albums for each of your friend friends and family member.

I have yet to use fully its "deep" analyses of things like artwork, painting, and mechanical parts, but I hope to use it to classify the pieces in my American Indian artifact collection.

Unfortunately, my uploading 7000 images "blew up" my HughesNet! Since 20 gig. was its maximum product, I decided to "Seek relief elsewhere." as the Attorney General suggested. So, I visited the Buckhannon, WV AT &T store, where I met Sydney and learned they had a package with unlimited streaming and two iPhone Xs Maxi's for the price we were paying, and a next generation iPad for \$99.

Excellent, so I thanked Sydney and told her I would be back with my wife.

As we entered the store, Nancy uttered her usual warning, "This is going to take a lot longer than you think." Little did we know! I asked for Sydney, and she appeared. Upon inquiry, we explained that we had combined our Direct TV and AT &T accounts when we got our iPhone 6's and iPads.

We again explained our problem with HughesNet, and she confirmed that AT &T was offering an unlimited data plan, new iPhone XS Max phones, and a new iPad for \$99. That sounded good. "Sign us up!".

As she began to type up the order, Sydney encountered a problem and called in Bailey. Both young women had bad colds, so there were lots of sniffles and tissues. After they conferred, Sydney advised, "In order to get the iPad, you will need to separate your DirecTV and AT &T accounts and convert your AT &T account to a business account. She assured us, "It will be easy."

Very reluctantly, we agreed, as my wife whispered to me, "You just wait; this is going to be trouble." So, I said to Sydney, "My wife is a skeptic, are you sure you can do this without screwing up our accounts?" She advised that she had checked with Bailey, and she was sure.

The sequence of these conversations blur, but we also learned that AT &T sells a "hotspot device" which is simply a Wi-Fi router which would allow us to have AT &T Wi-Fi in our house. The hotspot limit was 100 gig +15 gig each per phone or 130 gigs., over six times HughesNet's limit!

Then came the most tantalizing bit of information. I explained that I had researched Internet signal boosters on the Internet but found them to be expensive and confusing. They referred us to Seneca Satellite of Elkins with a comment, they install boosters all the time".

As we finished up two or three hours with Sydney and Bailey, the plan was clear. We were going to sign up for the unlimited service and get new iPhone 10 Maxis and a new iPad, which they showed us but couldn't give us. She promised it would be here when our iPhones arrived. Promises are "cheap" but really very expensive at the Buckhannon AT &T Store.

That was on a Friday. On Monday or Tuesday, I informed my wife, I'm going to pick up our phones and iPad". She chuckled and said, "I hope you left enough time".

When I arrived, Sydney and Bailey were "gone". We later learned that Sydney had left to follow her boyfriend, a "pipe liner", and Sydney simply failed to show.

We were assigned to Chris. Chris's persona is "disinterest". He slouches. He calls the customer by first name, which is fine, but "call me Burt" always received, "John" or, his favorite, "Buddy". We are not buddies.

After three or four frustrating hours where, at one stage, I said, "forget it" but persevered, I had learned that no matter how many times Chris punched in the account change into the computer, it could not understand it. He was persistent in slouching and punching, and calling me "Buddy".

Chris was perplexed, so he called Eddie in Elkins and promised me that I would receive a call from Eddie in a few days. Please recall that an hour before I had said forget it, but we had persevered, I had agreed to stay with the contract, and Chris had promised that I would soon talk with Eddie, which I did.

I mentioned this because of Chris's apparent "short-term memory issues". Perhaps it has something to do with the fact that he takes no notes and shows little interest in his job.

Eddie called the next day and explained that Chris needed to fill out a paper form and fax it to AT &T. He promised to e-mail the form to Chris immediately. He assured me that Chris would open your business account right away and call you.

Bailey, who is the closest thing to competence in that office said, "Chris, why don't you check your email?" Chris did, and there was the form sent to him by Eddie! Chris assured me he would submit the form, and I left.

After several days of no call from Chris, I walked into the AT &T store and there indeed was Chris slouching in his chair as usual. "Hi buddy" he stated. I explained to him that I had talked to Eddie and that I was awaiting his call about opening the business account. His eyes opened a bit as did his mouth and he looked up and said, but you told me "to forget it". I responded, "Indeed I did, one hour before you and I got back to work, and you told me that Eddie would be calling me."

"No, I am sure you told me to forget it." "Chris, in frustration of course I told you 'forget it'. You forget next hour. Do you remember telling me that Eddie would call?" Chris could not remember that.

I said, "Eddie said he was emailing you of form which you would promptly submit to AT &T.

I asked Chris if he received the reminder letter I had sent him a few days before. He replied, "Yea, I got it, but I didn't think you meant it."

I stopped by on Sat., March 16, 2019, our 50th wedding anniversary week-end, with three of my grandchildren, to sign a few papers and keep things moving, and to travel to Elkins to purchase our signal booster.

By my calculation, I have spent 12-15 hours in-store working to get this contract completed. Finally, our business account was opened, the one Sydney had assured would be "no problem". Later, when my wife informed them we had been billed \$200 for our discontinued account, Bailey assured us, "Don't worry; it will be taken off the bill." It was, but since then we were forced to pay a "fake" bill of over \$600 or have service cut

off. We are in the process of trying to get our money back.

But we had our phones, our WIFI hotspot, our booster, and satisfactory Internet speed, if not coverage. So, I waited a week for the call from Chris that my iPhone, whose price was raised to \$199, had arrived.

Finally, I stopped by to get my iPad. Burt: "Is it in? Chris: "Shake of head." "Sorry Buddy. I couldn't get it for you."

So, the sole reason we had spent over a dozen hours to create a business account, was taken away with Chris's shrug.

I said, "This is upsetting." He said, "I know how you feel." I felt like Jerry Seinfeld, wanting to say, "No, I don't think you do!"

"I think I will file a complaint." Chris: "I don't blame you; I'd do the same thing. Good luck Buddy." I am tempted to blame the two incompetent reps, but it isn't that simple. We've tried to get help on line. We've called Eddie. We have called AT & T and been switched from one heavily accented tech-rep to another, only to be told, "You will have to get help elsewhere."

Where is elsewhere? Local authorities have no control here, and people above Chris's pay grade are unresponsive. We could sue and have a trial before a jury of our peers, but Congress has taken away our right to trial, by jury or judge, with that evil fraud called "forced arbitration". That's a subject for another day, but the loss of that right harms every American.

Why should getting to the Internet to a rural location be so clunky and expensive? Fast communication could connect West Virginians, with each other and the world, with rural schools, with college or trade school, and for business, professional, or educational purposes. (Not to mention porn and gaming, the pastime of so many WV males.) Yes, I am discouraged and angry.

Think about rural disabled and homebound people. How can they afford to stay connected with the world?

There remain unresolved the \$640 over-charge, and "the bait and switch" of a nearly free iPad that never arrived. And, until Chris and Baily are canned or move on, we can't show our face at the local store. Just like our bad roads, our poor Internet pathways are barriers to WV entering the modern world. Beautiful, but still backward. o

4.4 February

Valuation of Marital Assets (2019-02-22 21:20)

Personal Property Valuation Resources

Thank you to our newest employee Courtney Eskew for her research into some of the many personal property valuation websites. Proceed with caution, but when I think that our main source in the early years of my practice was a Sears Catalog, this is a cornucopia.

One caveat: you can value a car accurately by entering make, model, mileage, and condition, but real estate (not included here), and retirement assets can be very complicated. See my footnote **

1. [1]www.KBB.Com : The Kelly Blue Book Vehicle Valuation site. You will need the make, model, conditions, and accessories for the vehicle you are valuation. Use the "private party sale" valuation, not retail, wholesale, or trade in.
2. NADA: [2]<https://www.nada.com/> : Another motor vehicle valuation site.
3. [3]<https://www.beckett.com/price-guides/>: Sports Card Valuation site.
4. [4]<https://www.commercialtrucktrader.com/> : Valuation and sale of commercial vehicles.
5. [5]https://antiques.lovetoknow.com/Main_Page Valuation of Antiques.
6. [6]<https://www.pinterest.com/antiques/> : Pinterest heavily relies upon posted photo-arrays.
7. [7]<https://www.TheSprucecrafts.com> : Crafts, Antiques, and Collectables
8. [8]<https://www.apmex.com/> : Coin Collector Site
9. [9]<https://tinyurl.com/y2t3hzdf> : Consumer Reports Coin Valuation
10. [10]<https://www.ebay.com/> : The Ebay website contains a vast array of consumer goods, outdated products, electronics, and replacement parts. Real things for sale. Useful in valuation and acquiring that item you just can't find elsewhere.
11. [11]<https://www.clagrills.com/> : Think of Ebay for grills! I had to include this site, founded by my Father's cousin W. Lark Hunter to provide you those parts to keep your grill working!
12. [12]<https://www.fastline.com/> : Farm and construction equipment.

13. [13]<https://www.hunker.com/13403078/how-to-price-used-power-tools> : Valuation of used power tools.
14. [14]<https://www.diynetwork.com/how-to/skills-and-know-how/tools/buying-guide-for-secondhand-tools> : DIY valuation of secondhand tools.
15. [15]<https://raincatcher.com/valuation/> : Business valuation.
16. [16]<https://valueyourpension.com/> : Purports to assist you in getting a present value of your pension.
17. [17]<https://www.rockseeker.com/> : Rocks; precious stones, artifacts, arrowheads.
18. [18]<http://www.arrowheadshop.com/> : Native American artifacts, arrowheads.
19. [19]<https://ourpastimes.com/> : various collectables, games, hobbies, interests.
20. [20]<https://www.thesprucecrafts.com/> : collectables, hobbies, crafts.

** Remember that retirement assets exist in two main categories:

a. "Defined contribution plans". These are "tax deferred" funds or accounts. They really exist. They can be cashed in (with penalty and tax payment), and they can be borrowed against, but they are relatively easy to value.

b. "Defined benefit plans". These funds do not "exist" in the sense that they represent a promise for their future. The classic example, a miners' pension is funded by the workers who follow. The value must be calculated as a "present value" based on length of service, life expectancy, and age. That calculation takes an "expert", and it may not be there if the fund goes bankrupt because the industry reduces in size. Thus, you hear of pension plans failing. They are also harder to divide by Qualified Domestic Relations Plans (QDROS). But above there are a couple of sites that purport to assist you in calculating a "present value".

Your job as a divorce litigant will be to get accurate information from your retirement "Plan Administrator". That is essential! ffffffff

1. <http://www.KBB.Com/>
2. <https://www.nada.com/>
3. <https://www.beckett.com/price-guides/>
4. <https://www.commercialtrucktrader.com/>
5. https://antiques.lovetoknow.com/Main_Page
6. <https://www.pinterest.com/antiques/>
7. <https://www.TheSprucecrafts.com/>
8. <https://www.apmex.com/>
9. <https://tinyurl.com/y2t3hzdf>
10. <https://www.ebay.com/>

11. <https://www.clagrills.com/>
12. <https://www.fastline.com/>
13. <https://www.hunker.com/13403078/how-to-price-used-power-tools>
14. <https://www.diynetwork.com/how-to/skills-and-know-how/tools/buying-guide-for-secondhand-tools>
15. <https://raincatcher.com/valuation/>
16. <https://valueyourpension.com/>
17. <https://www.rockseeker.com/>
18. <http://www.arrowheadshop.com/>
19. <https://ourpastimes.com/>
20. <https://www.thesprucecrafts.com/>

A 50 Year Retrospective (2019-02-18 12:16)

I won't be able to say this as well or as concisely as I would like, but here goes.

My wife Nancy and I took a vacation last week. A real vacation. Not "a working vacation" where I squeeze in 30 hours of writing, and my wife reads, and we walk the beach and go to dinner. We stayed busy vacationing nearly every minute.

We came to Colonial Williamsburg, the site of our honeymoon fifty years prior. We were married Valentine's Day, Feb. 14, 1969 in Bridgeport Ct. It has been a wonderful, unbelievable, sometimes terrifying, fifty years. I do not exaggerate to say I feel that I am the luckiest person on earth.

We met good friends John and Tamara for lunch in White Sulphur Springs, had dinner with Bill and Babs at The Whaling Company in Williamsburg, and had lunch with J.B. and Patty near Charlottesville on our way home. We share with them so many memories and experiences. In 30 days, it will be our children, grandchildren, and friends with the Irish Spring Festival and WV Irish Road Bowling in the background. We truly are blessed.

We arrived Sunday at our "home base", The Williamsburg Inn, next to The Historical District and two blocks from many restaurants and shops. We did LOTS of walking. There were no crowds, and while there was plenty of rain, we had two perfect weather days on Weds. and Thurs. to explore the historical district.

Sunday evening was the first of many luscious, filling, restaurant meals, The Blue Talon.

Monday morning, we ate a nice breakfast at our hotel, Traditions, and drove 15 minutes to the new museum in Yorktown. Since I assumed we would be inside, I made a slight miscalculation as to dress and shivered through a tour of a military encampment and Tidewater farmstead.

The demonstration of an 18th century musket and description of thousands of soldiers, bayonets fixed, firing at one another from 300 yards and running at one another from 80 yards apart. Barbaric, terrifying, and sobering to think of. Eight men bunking in an 8 foot by 10-foot canvas tent, and a small, drafty, smoky farmhouse. What a momentous development that tobacco became the South's main cash crop, along with cotton.

One hour of shivering in the drizzle had us ready for the many displays in the modern museum. We decided not to switch to the local B and B for our last night, so Nancy extended our stay through Friday night. Just like 4-H Camp 60+ years ago, the week beckoned ahead, and then the days and minutes slipped by so quickly. Now we are home, watching the Daytona 500.

Things have changed greatly in 50 years. The theme for Yorktown was "Tenacity". I first saw a poster with the word "Tenacity" with an African American Woman. I thought it was her name; wrong! The largest displays focused on the little-known women of that era; Native American, colonists, and enslaved women. They all had to demonstrate that trait, tenacity.

As I suspected, the term "slaves" has been replaced by a less dehumanizing term, "enslaved person". I appreciate that, as we were quite uncomfortable when we were greeted by a gentleman dressed like a slave, a black man, who called Nancy "Queen" and me "King". We came to like him a lot, but I winced at the terms and to having someone else take our belongings to our room. Too much like the Old South for me.

On Wednesday we began at Jamestown and the reconstructed fort and the ships. When we visited 50 years ago, all we saw were postholes. This time it included a huge museum, fort, and ships. We missed Martin's Hundred and Carter's Grove. Next time.

This vacation brought together many of the things that I have been thinking about over the last ten years or so, religion, politics,

race relations, the equality of women, gender equity, and our U.S. Constitution.

As we walked past the Raleigh Tavern, we were directed to a "show" that was just beginning. Without breaking stride, we followed the folks who had been waiting outside into the tavern.

As we took our seats, a petite black woman was seated and lying fast asleep on her kitchen table. She was Ann Ashby. She was awakened by the pounding on the door of her nephew John. They skillfully performed a reenactment of John's informing his Aunt of his intention to join the Revolutionary Army, for the promise of \$20 and land. He was born free, and she had been freed via "manumission", but "free" didn't mean voting. In fact, it didn't even permit them to hire a white person to perform a service. It was a sobering reminder what these people and their families had to endure.

We soon discovered that after 4-5 hours of touring and standing each afternoon, we needed a nap, and we did NOT need lunch.

On Tuesday morning, 9:00 a.m., we arrived at a very special venue where we were met by Matt Webster, son of my cousin Cindy and her husband Roger. I confess to "name dropping" later on as we were given and "insiders' tour" by Matt, who is the "Director of Historical Architectural Restoration" at Colonial Williamsburg.

Matt explained that Colonial Williamsburg is unique in that 75 % of its inventory is displayed in the museums and buildings. Other museums have the ratio almost reversed, but he showed us so many things, documents, paintings, furniture, ceramics, weaponry, and roll after roll of wallpaper and carpets. Some parts of this amazing inventory are second only to the Library of Congress. Wow!

We walked by shelves of porcelain, pottery, muskets, swords, and were invited into a lab equipped with an electron microscope. Scholars and technicians worked quietly on their projects and experiments. Matt shared his expertise and enthusiasm for a job he clearly truly loves. We parted with thanks and promises to get our families together. Hope that "great big cousins' reunion" happens soon!

With guidance from Matt, we arrived, fingers crossed, at the "Donors Center", the St. George Tucker House, and a reenactment by a

talented scholar/actor who portrayed Ann Wager, a "femme sole", unmarried business-woman who operated the Church of England sponsored school in Williamsburg for African American enslaved children and a few "free blacks".

Just imagine, a world where "the masters" were paranoid over the possibility of a slave revolt and a common belief that African Americans had no soul and should not be educated. But the Anglican Church wanted more Christians, so the colonies reluctantly accepted four such schools in the entire colonies. She withstood much skepticism and criticism and taught for a dozen years, perhaps 350 children, and assured us what while she never questioned slavery, she learned they then can learn and do indeed have souls. She then stepped out of character and answered our questions, and boy were there some good questions. Ann eventually married and had two children and then dropped from history.

The next day, we dutifully lined up, as Lauren the Director had suggested, at 9:30 a.m. sharp and lucked out when a couple had to cancel because of illness. We got to spend an hour with President Thomas Jefferson, aka Bill Barker, who has performed as Thomas Jefferson for 26 years. He took my question about his relationship with James Madison first and spoke to me for 20 minutes! That was an amazing experience. He has done vast research over the years and was a strong defender of any critics of his alter-ego. I did not push my luck and ask him of his beliefs regarding a deity. But I think that he, like Einstein, believed in "Spinoza's God".

One thing he stressed is the importance, then and now, of separation of church and state. The freedom of the human mind clearly includes freedom from believing what you, they, or I believe. No person, sect, church, or government can force itself on a citizen, regardless of what Jerry Falwell or Franklin Graham would have you believe! Nor can government tax us to benefit religion. That's why "One nation under God" is a violation of The Constitution and our freedom.

Below are many, many resources for anyone who would like more information on the Colonial Williamsburg sites and some of my reading during the last five years. I am committed to writing and setting an example for our "modern world". Let's leave the tribes, conflict, violence, and hate behind.

Here are some conclusions I have reached:

America has come a vast distance; the defeat of slavery, The Civil Rights Movement, the counter-attack to the counter-revolt of the Jim Crow South, racial integration of the military; integration of schools (Brown vs. Board of Education), human rights, and women going from 10 %, when I attended, to 50 % of law school students; and a black President and almost our first women president. Almost.

With all that change, America had a huge hiccup. By scaring white working-class people, the "filthy rich", big business, big insurance, and big "pharma", the Tea Party, the radical religious right, white nationalists, and die-hard racists have formed a coalition that has temporarily blocked what I believe are inevitable changes.

Watching the thoughtful, intelligent, educated people who visited Colonial Williamsburg, I believe that the rational people will have a resurgence, and the fear-mongers, racists, and reactionaries will be superseded. My caveat is my fear the Democrats will over-react and allow naive, ultra-liberal, and anti-Semitic influences alienate people like me.

Gay Americans are not going to give up their right to marry. Women are not going back home to raise the children alone. Black Americans are tired of being second and third class. The diverse peoples who are coming to America are not going to stop coming. Technology is not going to slow down. The age of the lunch-bucket and a lifetime in one job is over.

Our poisoned environment will not continue to tolerate the abuse. Our climate change will be with everyone living now for their entire lives.

The forces of chaos will try to prevail. Natural dangers and powerful weapons will place humankind at great risk. Will we survive?

I hope so, and I hope that we will increase our ability to foster equality, respect, civility, rationality, and education, deep and broad, specialized and generalized, technical, vocational, and liberal education. All of these will be essential to our survival.

As I head into what is likely the last 1/3 of my life, I want to learn more every day, to help people every day, and to stay as healthy and sharp as I can. If I am ever able to retire, I hope to work on memoir and our family's history. I want to be a good husband, father, and grandfather for every

minute I am able. Amen.

Colonial Williamsburg

The Brush-Everard House: [1]<https://www.history.org/almanack/places/hb/hbrush.cfm>

The St. George Tucker House: [3]<https://www.history.org/almanack/places/hb/hbtucker.cfm>

Chowning's Tavern: [4]<https://www.colonialwilliamsburg.com/eat/chownings-tavern-resorts>

Abby Aldrich Rockefeller Folk Art Museum: [5]<https://www.colonialwilliamsburg.com/art-museums/rockefeller-museum>

The Governor's Palace: [6][https://en.m.wikipedia.org/wiki/Governor %27s _Palace _\(Williamsburg, _Virginia\)](https://en.m.wikipedia.org/wiki/Governor%27s_Palace_(Williamsburg,_Virginia))

Online Resources

The Master and His Emissary: The Divided Brain and the Making of the Western World: New Expanded Edition: [7]<https://tinyurl.com/y4o63nzj>

The Hidden Brain Podcast, a 51 minute show on "The Divided Brain": [8]<https://www.npr.org/podcasts/510308/hidden-brain>

A Small Town Lawyer's Reading List from "Perspectives of a Small Town Lawyer": [9]<http://hunterlawfirm.net/a-small-town-lawyers-reading-list/>

A Small Town Lawyer Should Engage In Thinking:

Some Suggested Reading.

Kurt Anderson: "Fantasyland: How America Went Haywire: A 500 Year History"

Susan Jacoby: "The Age of American Unreason".

Susan Jacoby: "Freethinkers – A History of American Secularism"

Michelle Obama: "Becoming"

Catherine Nixey: "The Darkening Age – The Christian Destruction of the Classical World"

Bernard Mayo: Editor: "Jefferson Himself"

Kevin R.C. Gutzman: "James Madison and the Making of America"

Steven Weinberg: "To Explain the World – The Discovery of Modern Science"

Yuval Noah Harari and Derek Perkins: "21 Lessons for the 21st Century"

Yuval Noah Harari and Derek Perkins: "Sapiens - a Brief History of Mankind"

Yuval Noah Harari and Derek Perkins: "Homo Deus – a Brief History of Tomorrow"

Matthew Stewart: "The Heretical Origins of the American Republic"

Craig A. James: "The Religious Virus: Why We Believe in God"

Ronald C. White: "A. Lincoln; a Biography"

Ronald C. White: "American Ulysses: A Biography of Ulysses S. Grant"

Doris Kearns Goodwin: "No Ordinary Time: Franklin and Eleanor Roosevelt: The Home Front in World War II"

Doris Kearns Goodwin: "Team of Rivals: The Political Genius of Abraham Lincoln"

Ron Chernow: "Hamilton"

Ron Chernow: "Washington, a Life Ron Chernow: Grant"

1. <https://www.history.org/almanack/places/hb/hbbrush.cfm>
2. <https://www.history.org/almanack/places/hb/hbbrush.cfm>
3. <https://www.history.org/almanack/places/hb/hbtucker.cfm>
4. <https://www.colonialwilliamsburg.com/eat/chownings-tavern-resorts>
5. <https://www.colonialwilliamsburg.com/art-museums/rockefeller-museum>
6. [https://en.m.wikipedia.org/wiki/Governor%27s_Palace_\(Williamsburg,_Virginia\)](https://en.m.wikipedia.org/wiki/Governor%27s_Palace_(Williamsburg,_Virginia))
7. <https://tinyurl.com/y4o63nzj>
8. <https://www.npr.org/podcasts/510308/hidden-brain>
9. <http://hunterlawfirm.net/a-small-town-lawyers-reading-list/>

4.5 January

Financial Disclosure in Divorce: Get it Right! (2019-01-31 20:16)

Below is a draft of the form I have begun having my clients read and sign. "Counting and Collecting the Beans" is not easy, but it is essential. Burt Hunter

IMPORTANT: PLEASE READ CAREFULLY

1. I _____ declare that I have read Mr. Hunter's instructions for completing my financial affidavit and our "Equitable Distribution Spreadsheet".
2. In regard to marital assets and debts, I understand the basics of the "WV Doctrine Of Equitable Distribution," especially the fact that the Court will presume that any asset or income generated by the efforts of either party during the marriage and before separation is jointly owned.
3. I understand that property I owned before our marriage, or received as a direct gift from a family member or friend, may be my separate property, but there are exceptions. I acknowledge that it is important for Mr. Hunter and me to evaluate claims I make to separate property carefully. So, I must be accurate and honest in discussing such property with Mr. Hunter.
4. I also understand that it is my obligation to provide documentation of the unpaid balances of all debts, "secured" and "unsecured". I know I must provide that information as of "date of separation", and, to the extent I can, I need to track all of those debts, up to settlement or mediation or trial. If there is a trial, the Court will need that information for a just result.
5. This may require calling my creditors, my bank, and my insurance company, or the "plan administrator" for a retirement and visiting the county clerk or assessor.
6. I understand the difference between a secured and an unsecured debt. Example of secured debts are car loans and home mortgages. Examples of unsecured debts are credit card debt, unpaid medical bills, overdue utilities, and debts to family.
7. I know that my and our disclosures of funds include transactions done on the day of separation and sometimes days, weeks, or months before. (When in doubt, I WILL disclose it to Mr. Hunter. I promise.)
8. I understand my disclosure of assets, debts, and income will be under oath and punishable by the Court which is another reason that I must be honest and complete with my lawyer.
9. I understand that I may not have all the information to give Mr. Hunter at the time of our first meeting or out big "spreadsheet interview."
10. That may be because my spouse controls the information. But, it is my obligation ferret out and obtain that information, to study the spreadsheet after Mr. Hunter provides me the first draft, and to update and correct it before any mediation or trial.
11. I just reread this paragraph, and I commit to doing this. _____ (initials)
12. I absolutely understand and accept that failure to make an honest and full disclosure, to my lawyer, the Court, and the other side may have dire consequences and may interfere with Mr. Hunter's ability to continue as my counsel.
13. I understand that valuation of any automobiles is based on "private party sale value" available online at sites such as Kelly Blue Book, not "retail" or "trade in" values. I know it is my job to obtain those values, based on accurate description of condition and accessories, and to forward or print out those valuations for Mr. Hunter to attach to our disclosure.

14. I understand that valuation of any automobile is based on "private party sale value" available online at sites such as Kelly Blue Book, not "retail" or "trade in" values. I know it is my job to obtain those values, based on accurate description of condition and accessories, and to forward or print out those valuations for Mr. Hunter to attach to our disclosure.
15. I understand that I must disclose ALL retirement benefits and long-term and short-term savings. And, I understand that if a retirement plan is to be divided, there may be extra costs for something called a Q.D.R.O. (Qualified Domestic Relations Order), per the federal E.R.I.S.A. law.
16. I understand the difference between a "defined benefit" and "defined contribution" retirement plan. A "defined contribution plan" exists in an account somewhere (e.g. 401K; I.R.A.). An example of a "defined benefit plan" is the "old-fashioned" "miners' pension", which is funded by a stream of contributions, usually by the current work force. It is critical for me to contact the "plan administrator" or my employer's H.R. or personnel department to get this information!
17. I understand that values for "personal property" are "used" valuations, such as by sale via "The Prospector," Facebook, or a yard sale or auction, and NOT retail valuation. Values of real estate may, by convention, be 60 % of the assessment on our tax ticket, or as determined by a certified appraiser, or even by stipulation of the homeowners.
18. Examples of personal property are televisions, cars, and furniture. Examples of real estate are a house and lot, fishing camp, farm, or condo. Often, determining their values are critical to my case. I did not just scan this certificate. I read it, absorbed it, and I commit to doing it!

Certified and verified:

Client Date

More Organizing the Facts in Your Case: Linking CaseMap, Outlook 365, and Evernote. (2019-01-21 13:37)

I had two new revelations yesterday; one has great potential, and one works now and will be vital to our practice from now on.

First, I can install into Microsoft Outlook 365 the "EverNote" and "EverNote Web Clipper" plug-ins and use them to integrate Outlook 365 and the information organizer Evernote. More on that as I play with it.

Second, another plug-in is the CaseMap suite of trial preparation modules. I have figure out the technique to send facts into each client's CaseMap folder from Outlook! CaseMap is the system that my manual "Digging Down" system of organizing the facts in your case is based on. I give each client her/his own "digging down" kit in an accordian folder. Perhaps soon I will give them a "digital kit"!? I "bit the bullet" and bought two licenses and subscriptions for overpriced Lexis/Nexis' CaseMap suite for \$350/month.

My thought was we would use it for large cases. Unfortunately, extra licenses are over \$100/mo., and I couldn't add three other staff members, two of whom wouldn't really use it much.

SO, we are switching the license to a new, basic, HP laptop that can only be used by one staff member at a time, but will be available at all times for at least one staff member.

We have an office file server, but we need to access our CaseMap files from anywhere, including by me when I'm at mediation or trial!

Solution; "DropBox Team"!

We created a shared DropBox folder, "2019CurrentCaseMapFiles". We created a CaseMap File for each current client.

Yesterday a client sent me six photos of marks on this child's small body. I created a CaseMap File in DropBox. "lastname.firstname.date".

I selected the six e-mails and the CaseMap plug-in and sent six new "objects" directly to the client's CaseMap folder! Now his folder holds 6 new "objects" or what I call "puzzle pieces."

If we can make this work, the paralegal working the case or our new trainee employee will spend an hour or so each day, entering lists of potential witnesses, documents (e-mails, texts, letters, bills, balances sheets, insurance policies, pay records, photos, video clips, ANYTHING).

That stuff member can also send them to EverNote.

But, for now, I think I will save EverNote for personal stuff and office management and blog writing.

Each client will now have two folders, his/her client folder on our file server, and her/his CaseMap folder in DropBox. This is a "game changer".

Eventually we will integrate the two client files into one per client. Pretty exciting stuff!

Instead of laboriously trying to find the various handwritten "object lists", when it is time to do a pretrial memo or to prepare for trial, those lists will just be entered an hour or two each day by the staff member who has time to do it. This duty will be done by a "tag team". The witness and exhibit lists, list of issues, and chronology, can now be prepared in a fraction of time it used to take!

You may search my blog www.hunterlawfirm.net/blog for the word "CaseMap" for articles that explain the remarkable feature of CaseMap and TimeMap.

This software allows you to enter lists of people, documents, photos, events, organizations, pleadings, and physical objects; in short, the "puzzle pieces" that every case has. The whole picture can only be viewed when you have most of the "puzzle pieces".

Here's the link to my "digging down" manual system: [1]<http://hunterlawfirm.net/2018-revised-digging-organizing-preparing-case/>

If just one or two of my colleagues learns a better way to serve her/his clients, I will be happy. I am happy that I am making progress in my battle to become fully paperless!

jbh

1. <http://hunterlawfirm.net/2018-revised-digging-organizing-preparing-case/>

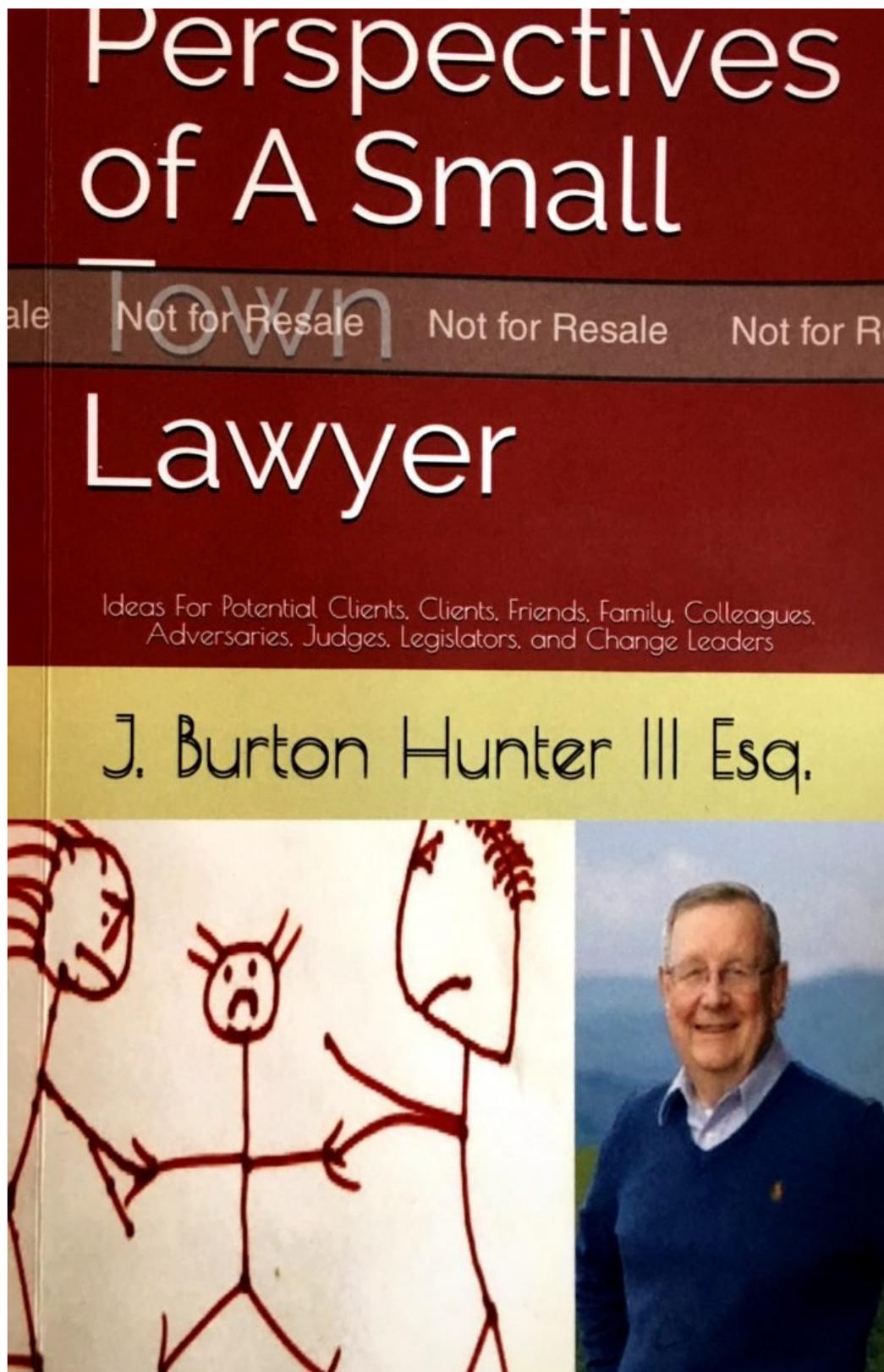
5. 2018

5.1 December

Resources: For My Clients, Potential Clients, Self-Represented, and Colleagues.
(2018-12-17 18:48)

/fAs I have explored how to do this job, to innovate, and to share my ideas, I have encountered and even created some useful resources. Here they are:

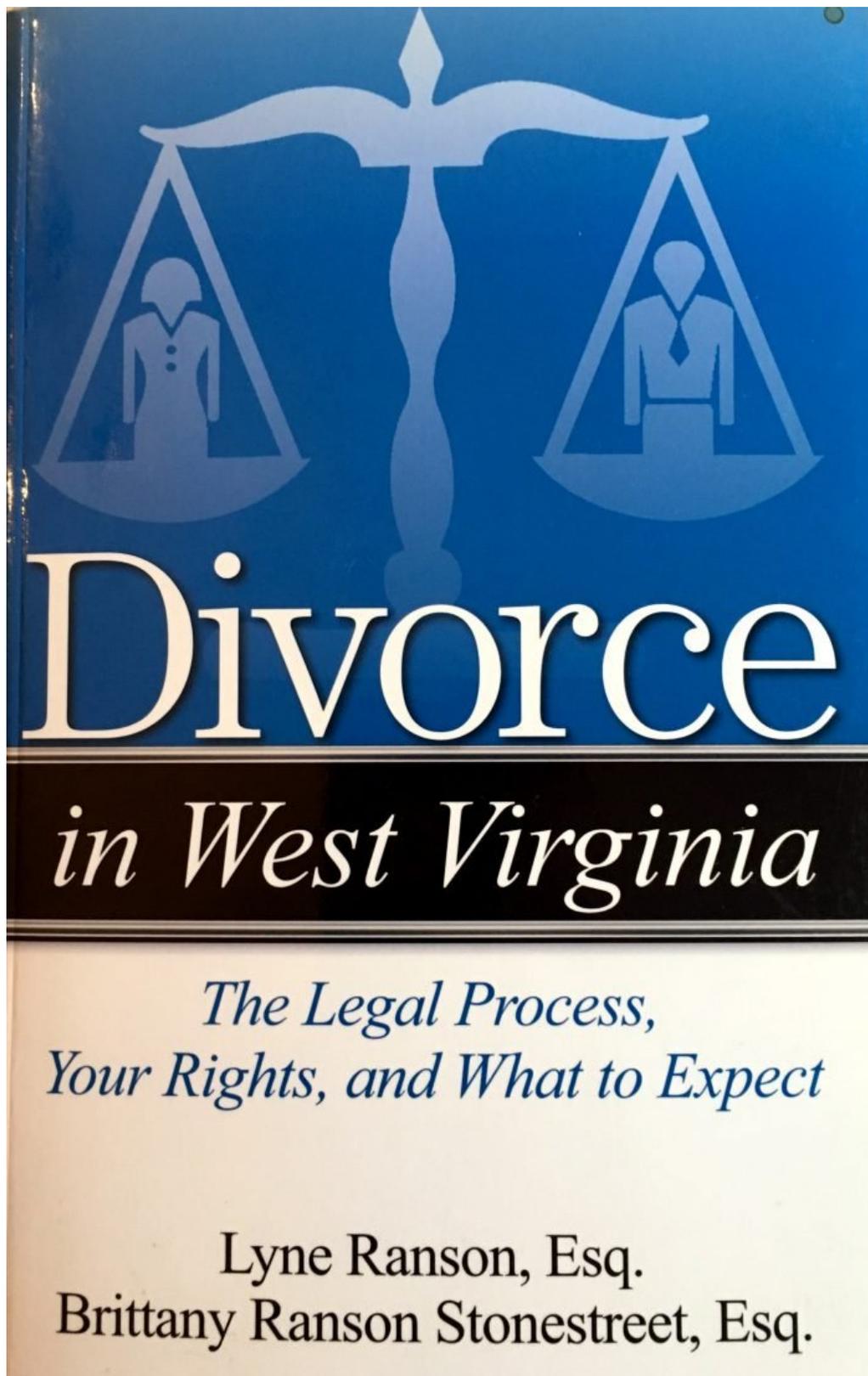
[1]



1. I make the editorial decision to start with my new book first, "**Perspectives of a Small Town Lawyer: Ideas For Potential Clients, Clients, Friends, Family, Colleagues, Adversaries, Judges, Legisla-**

tors, and Change Leaders". It is a distillation of, and a reference to, my 1400 pages of blog writing, and its 360 articles. Sections include - "legal checklist" ideas; practical tips on preparation, organization, and law office management; concrete information on WV Family Law; information about personal injury and other contingency fee cases; my thoughts on mediation, negotiation, and other methods of dispute resolution; new concepts on "future of the law" and access to justice for low and moderate income litigants; and some of my deepest and most serious views on the problems of our culture and our world.

2. For rock solid information focused on WV Divorce Law, read "**Divorce in West Virginia : The Legal Process, Your Rights, and What to Expect**", by Charleston Lawyers Lyne Ranson and her daughter Brittany Ranson Stonestreet. It is thorough, detailed, and informative.[2]



3. The next two books are general, not W.Va. centric, one by a male who represents only men, and one by a female who represents only women. I question how one can maintain perspective if they only represent one gender, but the content of each is pretty good. They are:

- (a) **"The Ten Stupidest Mistakes Men Make When Facing Divorce and How to Avoid Them"** by Joseph Cordell, Esq; and
- (b) **"Hit Him Where It Hurt \$: The Take-No-Prisoners Guide to Divorce, Alimony, Custody, Child Support, and More"**, By Sherri Donovan, Esq.[3]



4. I caution anyone who walks into divorce or other family law case with adversarial intent. Collaboration is an option that I would like to consider and explore before, "hitting where it hurts". It is good to have a lawyer with both skillsets.
5. The next two books have many competitors. These two rated well with Amazon.
 - (a) **One deals with bad behavior in children.** This is a common phenomenon when a child's life is turned upside down, where one or more parents doesn't really know what he or she is doing, and when the child encounters different parental style, from 2, 3 or more sources.
 - (b) **The other discusses the concept of cooperation and collaboration between divorcing or conflicted parents.** They are:
 - i. **"The Baffled Parents' Guide to Stopping Bad Behavior"**, by Kate Kelly, and,

- ii. **"Cooperative Parenting and Divorce: Shielding Your Child From Conflict: A Parent Guide to Effective Co-Parenting"**, by Susan Bly Boyan, M.Ed., I..M.F.T. and Ann Marie Termini, M.S.,L.P.C.
6. **"The Secrets to Marketing & Automating Your Law Practice: A Lawyer's Guide to Creating Systems, Getting Clients, & Becoming a Legal Rainmaker"**. It is a good primer and reminder on the subject.
7. **Three books on innovations in the resolution of family law and civil cases:**
 - (a) **"Unbundling of Legal Services: A Family Lawyer's Guide"**, by Forrest S. Mosten and Elizabeth Potter Scully;
 - (b) **"Collaborative Divorce [Handbook: Helping Families Without Going to Court"**, also by Forrest Mosten, Esq.; and
 - (c) **"Structured Negotiation: A Winning Alternative to Lawsuits"**, by Lainey Feingold.
8. **An older book, focused on financial matters**, and a bit cynical is **"The Ten Biggest Mistakes Women Can Avoid: How to Protect Yourself, Your Children, and Your Assets"**. A plus is you can find a 2003 version for \$.35 at Amazon, plus shipping!
9. Finally, is an important source for lawyers and litigants who are dealing with interstate custody issues, **"Child-Custody Jurisdiction: The UCCJEA & PKPA"** by Marie Fahnert and Me'lyse Mpiranya, an ABA publication. On this subject, what you do not know definitely can hurt you!

1. <http://hunterlawfirm.net/wp-content/uploads/2018/12/01.Perspectives-1.jpg>

2. <http://hunterlawfirm.net/wp-content/uploads/2018/12/02.DivorceInWV-1.jpg>

3. <http://hunterlawfirm.net/wp-content/uploads/2018/12/Allbooks.jpg>

Truth, Myths, and Lies (2018-12-10 20:01)

[1]

x

1. CNN's ad on promoting truth is a good one: **"This is an apple. Some people might try to tell you that it's a banana. They might scream, 'Banana, banana, banana,' over and over and over again. They might put banana in all caps. You might even start to believe it's a banana, but it's not. This is an apple."**
2. But its new ad is terrific.
3. It begins with a full frame of a classic Adam and Eve painting, but she is handing him a rather symbolic banana instead of the apple from the Tree of Knowledge. We have all seen that classic pre-modern image.
4. The narrator says, "If a lie is said early and often, it may be believed, but that doesn't make it true."
5. The frame switches to a wide-eyed 12 year old girl, in the museum, studying the painting, banana and all. Then she lifts her hand and takes a big bite from a large red apple. Point made!
6. **Woman did not lead man into "original sin"!**
7. **She was not made from Adam's rib!** A patriarchal myth cannot make it so.
8. Scott Simon this morning on NPR's "All Things Considered" today commented on an exhibit at "The Satanic Temple" in Chicago. [2]<https://tinyurl.com/yd5mw5kq> A similar image, but the "Satanists" are making the point that even if the story is true, the "good guy" was Satan for leading humankind out of ignorance.
9. Time and again ancient Judeo-Christian teaching elevates blind faith, ignorance, and obeisance to religious authority. Even in the beautiful Christmas Cantata that my wife and I sang at our church, the narrator emphasizes that the Lord reached out to the uneducated shepherds because they were too doltish to understand that angels could not sing to sheep.
10. Later, of course, the "wise men" arrive and believe also, but one can only hope that 90 % of the people our church understand that the supernatural stuff is metaphor, because Angels really do not sing to sheep or to anyone else! I am there because the message, the ideas, not the gimmicks, "sing" to me.
11. If I were "in charge" and handing out assignments for all protestant ministers to present for the Christmas sermon, I would have them soft pedal the "super hero" and supernatural Jesus and stress the "miracle" of his insights and teaching, compassion, tolerance, non-violence, "the golden rule", and turning the other cheek.
12. The historical precedent of wise religious and philosophical figures, all over the globe, coming up with these ideas as our civilizations matured is profoundly important, even though the myths used to convey them are lame and false.
13. In a tribal, myth-filled, brutal, violent, and ignorant, world, such ideas truly were revolutionary. That was the amazing thing, that these ideas would occur to brilliant people around the world and spread. Perhaps some day they will prevail.
14. The "Satanists" are, in my opinion, tongue in cheek, with their temple and their message, and I won't be singing in their choir. But promoting and insisting on ignorance is not a feature I want in my church. I want objective truth and clarity of thought.

15. So instead of miracles, in my sermon, I would announce that the creation myth and Adam and Eve are lies, damnable, false, and sexist, lies. Then I would get started on the rest, "demons" causing mental illness, slavery being acceptable, and all the rest. Modern religion simply can't afford to depend on ignorance or lies to survive. There is enough truly "fake" news out there already.
16. Don't expect to hear my message in most churches, at least not for a while, but that's the sermon I would give.

1. <http://hunterlawfirm.net/wp-content/uploads/2018/12/AdamEve2018.jpg>

2. <https://tinyurl.com/yd5mw5kq>

5.2 October

Jeff Kessler: Candidate for the WV Supreme Court of Appeals. (2018-10-30 12:54)

Jeff Kessler is a top quality candidate for the WV Supreme court, intelligent, committed, moderate, restrained, focused, literate, collegial, and balanced: [1]<https://www.jeffkesslerwv.com/donate>

1. <https://www.jeffkesslerwv.com/donate>

The Challenges to Modern Religion: Part II (2018-10-17 22:16)

The Challenges to Modern Religion: Part II

There is an amazing backlash to "accelerating change". There are movements to deny the realities of science, to imagine alien abductions, satanic cults, repressed memories, massive conspiracies, "a flat earth", to devise simplistic solutions to the complicated challenges of the modern world, with hatred, tribalism, fear, and willful ignorance as its weapons.

I return to the questions in my first paragraph of Part I above, recognizing the big questions, the flaws in the old tribal religions and devising plans to save and evolve our church, to make it relevant to today. I have no illusions that we can reach a consensus on these suggestions. So they are only suggestions.

How can a church leave ignorance and anti-science, and embrace the realities of physics, mathematics, science, biology, and technology?

If I were going to commence that change tomorrow, I would make sure that our ministers and narrators always made it clear that the stories are only stories, the metaphors are simply metaphors, and in Sunday school I would make sure that children and adults are taught what metaphors are. They are made up stories, to illustrate concepts, values, and stories.

If our old traditions such as selling candy, cookies, cakes, and other sweets, or serving high-fat, high sugar, high carb, foods at every gathering, I would gently urge that the Church teach its members that we are

poisoning ourselves, that our food industry exists to process nutrition out of the foods and sell us the largest portions for the greatest profits they can manage.

We would start gradually, but we would have a five year plan that would start with 10 % high-protein, high-fiber, low sugar, locally sourced, organic, products. Eventually, the traditional Methodist gatherings and projects would promote the physical and emotional health of its members.

I would ask the most dedicated volunteers in our church to read up on these matters, to realize how important it is to reduce obesity, diabetes, heart disease, and other lifestyle-related illnesses in our population. They would become nutritional missionaries. They would sell nutrition, fitness, emotional health, reality based self-improvement, and the revitalization of the church; and if not the church, a suitable successor.

I would build a facility near our church with places for exercise, computer literacy, meeting space, and secular literacy. If our school system is failing, I would have our church supplement it, and I would never, never, never teach our children or our adults that we have a special pipeline to God.

If it can be established that our church is better organized than most, more tightly focused in doing good, is objectively improving its community with good works, and has a viable plan for the future, that is what I would sell. I would re-invent our church as one based on excellence, truth, and inclusive.

Of course I will do none of these things. For reasons that are very personal to me, I will continue to show up, will continue to sing, will not mention these things at church, and will sadly watch as the supplicants' bodies become more bent, the hair becomes more gray, the children become fewer, the empty spaces in the pews become larger, and watch as we continue to give lip service to metaphors that were never true when they were invented and that mankind has known for at least 2400 years are not true.

This quotation is credited to Epicurus, @ 500 b.c.:

Is God willing to prevent evil, but not able? Then he is not omnipotent.

Is he able, but not willing? Then he is malevolent.

Is he both able and willing? Then where does evil come from?

Is he neither able nor willing? Then why call him God?

I have written many times about my "can't-helps".

In other words, I have taken everything I have learned from my earliest childhood memories, my reading, my education, movies, television, the news, discussions, from accidentally hitting my thumb with a hammer, by having a head-on collision, by making myriad mistakes, by considering the arguments on behalf of every religion, by considering what I have learned of philosophy, by synthesizing what I know of science, by loving and being loved, by disliking and being disliked, by having my feelings hurt, by having my spirit uplifted, by crying, by laughing, by thinking about ending it all, by deciding not to, by trying to be "a good boy" as my mother told me every day of my early childhood, and by being stubborn.

I have decided that my "can't-helps" include the core beliefs of the greatest religious teachers but without one whiff of the "sci-fi". Actually, I am an avid reader of science fiction, and I have considered it from every angle.

What I am left with is the scientific method blended with my own personal idea of right and wrong, my "can't helps".

One thing I have learned is that some of my ideas of right and wrong have changed, are changing, and will change. I'm going to be living in a world where marijuana is legal. I do not like that. I am going to be living in a world where many fewer people are married. I'm going to be in a world in which my idea of male and female is going to be challenged and probably proven wrong. I am going to be living in a world where fewer people are descended from one major ethnic strand. I will be living in a world where the view of what a man and a women should be will change, and the divisions of male and female, gay and straight, will change and become endlessly nuanced.

I am pretty sure I will go to my grave believing that a "real man" is brave, is gentle, is caring, is compassionate, is tough, is protective, is stubborn, is determined, is funny, is not easily intimidated, can intimidate but tries to avoid it, loves, is loved, wants love, never gives up, tries not to cry, sets a good example, is a good husband, and means well even when he screws up.

But, if I am in a church that values charity, sharing, generosity, empathy, compassion, education, a sense of community, music, spirituality, tolerance, and dislikes sectarian disputes, tribalism, violence, lying, cheating, stealing, deception, and greed, I want to be in it because the people in that church share my "can't help" not because some supernatural being told us what to think.

You think my ideas are crazy? I cite, as a like-minded person, Carl Sagan in his book "The Demon - Haunted world: Science As A Candle In The Dark". Over 20 years old but almost as he wrote after reading today's headlines.

If you think my ideas are brand-new, consider Epicurus above, but also consider "Freethinkers: A History of American Secularism" by Susan Jacoby. Consider the writings of Thomas Paine. Consider the thinking of Thomas Jefferson, George Washington, Alexander Hamilton, John Adams, James Madison, Ethan Allen, Baruch Spinoza, Sir Isaac Newton, Charles Darwin, Voltaire, Abraham Lincoln.

When I learned at age 6 that I was correct and that Santa Claus was a myth, that did not hurt me. When I went down to the Capitol theater to see the radio stars "Big John and Sparky" and learned that Sparky was a marionette, I was really angry. I believed I had been defrauded. When I learned that Santa Claus had not been the one to break my new electric train on Christmas Eve but that my father had accidentally run it off the end of the table, that made sense to me. I always felt that I wanted the truth and not some fairytale.

I think when our religious leaders believe that the average person is too stupid to handle the truth, that they must be given palliative care, that they have to be told if they are good here on earth that they will get to go to heaven, and that it's okay to suffer here because of the rewards they are, they are being cheated.

I read in "the Religious Virus" yesterday that the author, as a child, was looking at a sunset with his grandfather. His grandfather said to thank God for it, but the young boy, being a whiz in science, explained to his grandfather that the sunset resulted from the refraction of the light. His grandfather said "Oh, I do not believe I could have endured the suffering of my life if I did not believe in God." But his grandfather, wisely, suggested that he enjoy the sunset regardless. Even as a boy, he decided that he would accept the news that one day he would die, and there would be nothing left of him, except what he may have left for others, taught others, or did for others, but that because he knew he would die and never be thereafter, that he would be even more determined to live a good life here.

Of course it does not make sense because if there are no ultimate truths, no values that are so valuable that they exceed the others, and no one's values can be objectively tested to be better than anyone else's, and were perhaps "survival of the fittest" or "natural selection" is the order of the day, to think there is any ultimate reason for us to exist or care about existing.

Except, we evolved with two prime drives, survival and reproduction. That is what drives us. Whether one is an amoeba, a giraffe, or human being, we want to do those two things. We just "can't help" it. Finding other motivators is "human".

The Challenges to Modern Religion: Part 1 (2018-10-17 22:10)

The Challenges to Modern Religion: Part 1

I cannot think of a way to write this post without causing some people great offense. For that I am sincerely sorry. I have given serious thought on the dying of the traditional Protestant Church, and our small town one in

particular. I have given a lot of thought to the concept of religion and its place in America and the world. Dylan Thomas wrote about death, "Rage against the dying of the light.". I say, "Protest the dying of the church!" Here goes.

Our choir is working on another wonderful Christmas cantata, as we have done for at least 25 consecutive years. It is an uplifting experience. On the way to practice, we listened to the CD, and I was startled by the following narrative.

The angel Gabriel came spiraling down from the sky and lands gently behind the teenaged Mary. Softly, "So as not to startle her", Gabriel spoke, "Mary!". Did he really expect not to startle her?

I picture her turning and discovering a 7 foot tall man figure with huge wings! He stated simply, "You are going to get pregnant". Mary inquired "How is that, as I have never slept with a man?" Gabriel replied, none to delicately, "The Lord is coming over you." Mary seemed to accept this, and I have never understood how Joseph "bought it".

But, let's analyze this a bit. Human beings evolved from creatures that walked on all fours and, before that, crawled out of the oceans. Darwin theorized, based upon thousands and thousands of observations, that all plants and animals, single cell and massive creatures and plant, have evolved since the mysterious appearance of life on earth through tiny, incremental, changes, and the creatures who were the best adapted survived, and when two species had adapted to the same niche, the one better able to adapt to that niche simply squeeze the other one out of existence.

Fossils, and preserved DNA, have permitted us to confirm Darwin's theory is a scientific fact and to identify genetics as the mechanism of natural selection.

Mary carried a zygote called an egg, and that required a sperm to provide the other string of the double helix. Who provided the sperm? Doesn't that demand us to believe that God was a human man with a penis and sperm. If not, what?

We know that angels cannot exist and that if Mary became pregnant, she did it with plain old human sperm. There is no evidence; I repeat, no evidence, to support "faith" in this mythical, made up, story.

As for Angels, their bodies cannot handle wings. Assuming they can, where do they reside? What do they eat? How do they reproduce? How do they survive in outer space? Do they have brains? Why are they limited to flying around, startling people, and blowing loud horns? Do they have sex? Is that how they reproduce? Do they fart? Answer, angels were invented by primitive people. THEY DID NOT AND DO NOT EXIST!

I have been reading "The Religion Virus: Why We Believe in God" by Craig A. James. It analogizes an idea, a "meme", to a virus or other replicating DNA. Religious beliefs reproduce, and they spread, and grow.

One of the earliest books I read on this subject was "A History of God: The 4000 - Year Quest of Judaism, Christianity, and Islam". Both of these authors make it clear that Abraham and his predecessors, and Moses and the seven tribes, 700 years later when they had backslid, were not monotheists.

And, even earlier than that, primitive tribes saw spirits and gods in everything, the sky, in powerful and dangerous bears, rocks, and water. They prayed and honored the spirit of each one. Later they sought blessings and prayed for results, pregnancy, health, rain, or the alleviation of famine.

Not only am I a "Cradle Methodist", but I met my wife at the freshman mixer at a liberal arts Methodist College dedicated to teaching and discovering the truth, to the scientific method, to critical thinking, and to the principles of our nation which included, and this is critical, the concept of freedom of speech, freedom to believe or not to believe, and separation of church and state.

My reading teaches me that even the modern "ecumenical movement" promotes tolerance of "different faiths", but equates secularism, agnosticism, and atheism with Communism, treason, and blasphemy. George W. Bush did not invite any well-known secularists to the prayer breakfast after 9-11. He invited only "leaders of faith". Secularists, agnostics, free thinkers, and atheists have been systematically marginalized, discriminated against, and accused and berated for 150 years in America. I urge that they be respected and listened to or the "modern church" is doomed.

What an opportunity we now have for the modern church, gently, firmly, honestly, persistently, consistently, and with great specificity, to turn its members away from the superstition and myth of our ancient past. The ideas of Jesus and other brilliant religious central figures, Buddha, Mohamed, Confucius, and others, of empathy

and compassion, sharing, and non-violence, stand by themselves, without the trappings of the supernatural. Modern dogma focuses of rituals, myths, sectarianism, judgementalism, tribalism, and discrimination.

Just as I think no child should ever be told that Santa Claus, the Easter Bunny, or the Tooth Fairy are real, our church members should be encouraged to think for themselves, to study history, science, and religion, and to learn there is no such thing as "the supernatural". Angels do not fly. No one can turn water into wine unless they have grapes and water. There are no miracle cures. Elizabeth Edwards could not cure her breast cancer by prayer, so she died with the realization there is no such thing as "an intervening God". I admire her for saying so.

Although I have read authors to the contrary, I believe it is fair to point out that we have not yet figured out how life begins. A tiny few may understand the physics of "the Big Bang", but I, for one, want to know what was going on the day before the "Big Bang" banged. I want to know what happened during the instant between no-life and life, and please do not tell me it was "a miracle".

The best explanation I can find simply defines God as the natural order of things. The deepest "spiritual force" that I can find is the remarkable quality that humankind has acquired in three billion years of evolution. That quality is curiosity. That ability is the ability to realize that we exist, to ponder our past, to be curious of our future, to have certain members of our species who are smart enough and determined enough to learn new things and to bring about change. It ponders the deepest secrets and doesn't cop-out with the shallow concept of an all-knowing, all-seeing, superhero.

Just as remarkable as our insatiable curiosity is the fact that change is constant, and it is not steady. For the human species, it has been increasing in speed for thousands of years and is now moving at a pace that has outstripped our brains' abilities to comprehend it. The fact that curiosity and self-awareness now exists in our evolving species is a true "miracle".

GAPS IN WV FAMILY LAW (2018-10-17 22:07)

This is just a short observation based on a discussion I had today with our family law mediator. Here is Burt's concise list of some gaps we have in our family law in West Virginia:

1. When an unmarried parent of an infant seeks child support, the Bureau of Child Support Enforcement Attorney prepares most orders, and even where the court assumes jurisdiction and awards a parent child support, it routinely fails to include a "conclusion of law" that the parent receiving child support has actual custody. Inevitably, somewhere down the line, someone withholds the child and causes "all hell to break loose" because neither parent has an order establishing this simple fact. I have encountered this problem twice in the last month.
2. It is perfectly legal, even when a couple has lived together in one county for years, where no court-ordered parenting plan exists, for one of those parents to move out, relocate to a county other than the child's home county, withhold the child, and file an "allocation petition" in the new county, even when the child has attended school in her home county for years. In those cases, it is a simple "race to the courthouse", and "venue" as it is very simply set out in the WV divorce statute, does not apply.
3. In this age of "hooking" up, the rights of children are not protected as a mother can have the child, fail to establish paternity, and raise the child in poverty, and the biological father can walk away "scott-free," ready to "spread his seed" elsewhere. In short, society is falling apart.
4. Although an attorney with proper staff and office must be able to charge \$200 an hour or more to make a decent living, the "sliding scale" for court-approved mediators can be as low as \$95, \$65, or even \$45 an hour, much below that attorney's overhead.
5. If an attorney wants to be on the "court-approved" list, they must be willing to take these cases and work "below cost". Before you assume too much about the opulent lifestyle of a small town attorney, please

consider that a monthly budget for a sole practitioner of \$20,000 for operating expenses, insurance, marketing, hardware, and software is completely routine. Some attorneys work with little or no staff. That's a prescription for disaster.

6. There is no simple fix. Non-lawyer mediators exist, w/little or no overhead. They don't understand the law, so they mediate "only children's issues", as if knowing the law isn't critical. And they prefer NOT to have lawyers attend mediation. Sigh.

7. It is not yet considered "standard practice" for a family law attorney to attend mediation with her or his client. Burt calls failure to attend "malpractice".

8. There is no significant movement in West Virginia to promote "expedited mediation", "streamlined mediation rules", "unbundling of legal services", or "collaborative law".

IN SUMMARY, family law in West Virginia stumbles along with perhaps 70 % of the litigants unrepresented, overburdened courts, limited funds for mediators and guardians ad litem, and an "adversarial mentality".

The War Between Women and Men (2018-10-11 21:00)

I am looking at two "how to" books written by nationally known divorce lawyers, "**Hit Him Where It Hurt \$**" by Sherri Donovan of New York City, and "**The 10 Stupidest Mistakes Men Make When Facing Divorce**" by Joseph Cordell, Esq, St. Louis, Mo.

Ms. Donovan uses the boxing metaphor to define the divorce process. Chapter by chapter she leads her, presumably angry, women clients towards a "knockout". She describes herself as affiliated with the "Service Fund of the National Organization for Women, NYC".

Mr. Cordell starts with gracious "ACKNOWLEDGMENTS" and works his way, in 222 pages, through 10 informative and instructional chapters.

So what is the problem?

1. Mr. Cordell describes himself as "Founder of America's Foremost Divorce Firm for Men".

2. That means to me that Mr. Cordell has likely spent years looking at the divorce process, and related matters such as contempt, modification, enforcement, and custody, solely from the man's perspective.

3. Sherry, in advocating to her clients that they inflict (metaphorically I hope) painful blows on the father of their child and or the man they planned to "love and honor" for a lifetime, stirs up rather than damps down hostility.

4. I have been solemnly told by clients of each gender that they have heard that I am "always for the woman" or "always for the man". That is true as I am "always for my own client" unless the client is forgetting what is best for her or his child; no client has ever disagreed with me that my ultimate loyalty should be to their child, although sometimes we disagree on what that is.

I believe that any attorney who declares for one side or the other in advance diminishes his credibility with the court, and her ability to understand fully the other side's worries, concerns, and goals, and that she/he signals to an opponent a plan to "fight" and defeat instead of "resolve".

Fortunately, 42 years in WV "fighting the good fight" means that most of my lawyer opponents know that taking me on in a "fight" is usually not a good idea. What I want them also to know is I am a "good adversary". I have written about that:

[1]<http://hunterlawfirm.net/how-an-attorney-can-be-a-good-adversary/>

As for the "top ten mistakes", I remind husbands and wives that being the best spouse you can may help avoid a divorce. Eight years ago, I wrote my views on that subject:

<http://hunterlawfirm.net/being-a-good-husband/>

Most recently, I have written on "The Conundrum" of finding the right tools to provide access to justice for low and middle income litigants and various alternatives to the traditional "contested trial" in achieving a satisfactory resolution of a family law matter:

<http://hunterlawfirm.net/a-conundrum-for-family-courts-what-tool-for-what-problems-1/> and

[2]<http://hunterlawfirm.net/a-conundrum-for-family-courts-what-tool-for-what-problems-2/>

I am next going to write a "top ten" of what I want my clients to do and to avoid in their family law case. The message of this short post is there are better to achieve a fair result for most litigants. They involve "win - win" instead of "win - lose" and equality and respect for women and men in that process, with children's best interest as our highest priority! Let me know what you think.

1. <http://hunterlawfirm.net/how-an-attorney-can-be-a-good-adversary/>

2. <http://hunterlawfirm.net/a-conundrum-for-family-courts-what-tool-for-what-problems-2/>

A Lawyer's Thoughts on Slavery and Racism. (2018-10-11 20:46)

A Few Thoughts on Slavery and Racism.

And a post-script on the related subject, subjugation of women.

One can tell one's self that he needs to go to bed at 8 PM because our dog Duffy has a 7 AM appointment at the Pittsburgh Veterinary and Surgical Center, but one cannot convince one's brain that he did not fall asleep in his chair for four hours and simply needs to wake up from a long nap ready to go.

Thus I found myself wide awake at 1 AM and unable to sleep until the planned 3 AM.

Before falling asleep, I had a remarkable reading experience starting at page 354 of Carl Sagan's "The Demon - Haunted World".

"We must not believe the many, who say that only free people are to be educated,

but we should rather believe the philosophers who say that only the educated are free. "

EPICETUS

Roman philosopher and former slave, Discourses.

The author describes a young fellow named Frederick Bailey. He was a slave. He had no father or mother to look after him. He later wrote that it was the custom of slave masters to separate children from their mothers before they became 12 months old. Think about that.

As a boy, Bailey witnessed and experienced horrible events including repeated beatings of his aunt, mother substitute. He often would wake up to her screams as the slave master for some reason took particular pride in beating her, and cursing, raving, cutting, and slashing among the slaves in the field. He truly enjoyed it, and Bailey called it "fiendish barbarity."

Isn't it funny how we know something, but we manage to put into the back of our brain, and we refuse to pull it out and give it a good clear look when we need to. It just becomes part of the fabric, but not of our day-to-day awareness. That's me talking.

Frederick Bailey became the legendary Frederick Douglass.

He wrote and thought that the core of slavery and the key to keeping the Negro enslaved was to make sure that he and she were never educated and always made to feel inferior.

As a child he was sent to work for captain Hugh Auld and his wife Sophia, moving from plantation to urban bustle in Baltimore.

Being exceptionally bright, the young Bailey noticed that white people use marks on paper. He could see their lips move. He could see their fingers moving across the line, and he could see them accomplishing things using this mysterious tool,

He got ahold of Auld's, "WEBSTER's Spelling Book" and memorized the letters of the alphabet. He tried to understand what the words stood for and eventually asked Sophia Auld to help him learn.

Impressed with the intelligence and dedication of the boy, and perhaps ignorant of the rules against "educating Niggers", she complied.

By the time Frederick was spelling words of three and four letters Captain Auld discovered what was going on. Furious, he ordered Sophia to stop. In Frederick's presence he explained:

"A Nigger should know nothing but to obey his master – to do as he is told to do.

Learning will spoil the best Nigger in the world.

Now, if you teach that Nigger how to read, there will be no keeping him.

It will forever unfit him to be a slave.!"

As a young adult Bailey escaped, fleeing to New England where slavery was illegal, and he took on the name Steven DOUGLAS from Walter Scott's "the lady of the lake". He eluded bounty hunters to track down escaped slaves and became one of the greatest orators, writers, and political leaders in American history.

He pointed out that if you repeatedly are given the message that you are too stupid to learn, or given the functional equivalent that learning makes you "too white" (I added that, as the modern equivalent), and if there's no one there to contradict you, you might very well "buy" this pernicious advice.

In 1761 the British Royal Governor of the Colony of Virginia wrote:

"I thank God there are no free schools or printing; and I hope we shall not have them this next hundred years; for learning has brought disobedience, and heresy, and sects into the world, and printing has divulged them and libels against the best government. God keep us from both!"

Final things:

1 Sagan points out that Americans were remarkably well-educated and therefore rebellious, in the early years and now America has fallen woefully behind the educated countries of the world. We do not teach critical thinking, We do not focus on science, and we are simply beginning to lag terribly. That was 20 years ago and now it is even worse.

2. "Frederick Douglass thought the literacy is the path from slavery to freedom. There are many kinds of slavery and many kinds of freedom. And reading is still the path."

3. When Steven DOUGLAS finished his first great speech with William Lloyd Garrison, abolitionist, in the audience, Garrison asked the crowd, "Have we been listening to a thing, a chattel personal, or a man?" And "the crowd yelled "A man! a man!. "Shall such a man be held a slave in a Christian land." called out Garrison. "No! No!" shouted the audience. And even louder, Garrison asked: "Will such a man ever be sent back to bondage from the free soil of Old Massachusetts?" And now the crowd was on its feet, crying out "No! No! No!" He never did return to slavery.

4. I happen to know from Ron White's Grant biography that Stephen Douglas credited Ulysses S Grant as the greatest friend of the Negro even while stating appreciation for Lincoln. Grant and DOUGLAS became friends and allies and attempting to implement reconstruction of the south, but the counterrevolutionaries came back with a vengeance. They still exist. They were walking around Charlottesville just a year ago

5. I have read from many sources, and DOUGLAS spoke of it frequently, that the main tool for the oppression of the Negro was the Southern Christian church, the same group that wants to restore "the old south" even as I write this. Its old testament especially but even New, justifies, and treats as the normal way of mankind, the subjugation of men by others. If that was God's way, who are we to question it?

6. I have also learned from Susan Jacoby that, again, it was the Southern Christian church especially that oppose the rights of women. Even male abolitionists were not ready to have Women's step out of their submissive role.

7. The white man and his Southern Christian Church kept the black man and woman from education, from reading, from having feelings of self-worth, except the ones they could generate by themselves, and denied them training in critical thinking and even from being nurtured by loving parents.

8. Who in the hell are we now to point at someone because of their color, make assumptions that they lack the skills, and if they do lack these skills, to condemn them for being stupid?! Any appearance of such traits is a direct result of hundreds of years of oppression. And there are people of all races who are not so smart, not so educated, and not so capable of critical thought. They too are entitled to respect. We are all so human.

9. Any differences in the races are statistical and have no meaning regarding individuals. 10. The races are virtually indistinguishable through DNA, and the changes make great sense simply because of the environment in which they adapted for the last 10 to 100,000 years. Inconsequential and DALE today life and something to be studied by academics and figured out.

11. If I would be liberal on any subject it would be one that would condemn a white person from holding back any reasonable effort to make sure that the people of America are free, regardless of race, gender, or sexual preference.

12. My "post script" is even some of the most enlightened male abolitionists would still want to keep their women in place and grant the right to vote to a black free black male while denying it to their own lives and daughters. Think about that one too.

I'm still not for excusing bad behavior. But every word on every page of Sagan's fine book resonated with me last night.

5.3 September

A CONUNDRUM FOR FAMILY COURTS: WHAT TOOL FOR WHAT PROBLEMS? #2 (2018-09-28 13:37)

Collaborative Law: Is It Enough, Or Must We Have More?

The following post, in draft form, was the second half of my last post, "Conundrum..... #1". That post discusses the "The "Family Court Jurisdiction To Restrict Contact Between Parties Act", WV Code Sec. 51-2A-2a. Since that statute is only a small part of the solution, I want to touch on four areas which are in desperate need of revision and innovation in WV family law. They are: mediation, unbundling of legal services, dealing with "domestic squabbles", and collaborative divorce.

Tied to these subjects are "access to justice" for poor and middle income persons and the ability of small town and small firm lawyers to adapt to "accelerating change" and to make a living. Related to the latter are issues of lawyer addiction/depression, mental health, stress, and quality of life.

Below are many links to my blog articles addressing these issues:

[1]<http://hunterlawfirm.net/the-maze-of-wv-child-custody-issues-just-droppi ng-crumbs-wont-get-you-out/>

[2]<http://hunterlawfirm.net/time-revise-mediation-wv/>

[3]<http://hunterlawfirm.net/family-court-mediation-streamlined-ideas/>

[4]<http://hunterlawfirm.net/self-represented-mediation/>

[5]<http://hunterlawfirm.net/collaborative-divorce-remain-unconvinced/>

[6]<http://hunterlawfirm.net/?s=unbundling>

Recently "**The West Virginia Lawyer**", the magazine of the West Virginia State Bar, published a well-written article on the subject of "Collaborative Law". I love the idea, hope it is implemented in West Virginia, and wish its advocates well.

Here it is: [pdf-embedder url="http://hunterlawfirm.net/wp-content/uploads/2018/09/Collaborative.Pr - actice.Takes_.Root_.in_.WV_.9.17.18-1.pdf" title="Collaborative.Practice.Takes.Root.in.WV.9.17.18"]

I have already expressed one major reservation, **for my clients**, who are generally rural citizens of limited financial means. As described in **The WV Lawyer**, a collaborate divorce contract contains what looks to

me like "a poison pill", don't case in to a better financed spouse, and you are going to lose your lawyer! And, you are going to pay a second lawyer to learn everything that your "collaborative" lawyer knew at the time they dropped you. When, talk about walking away when a client needs you. To me, collaborative divorce will work only for parties who fully understand the ramifications and can afford the cost of a reset if it fails. I don't think 10 % of my cases are a fit for collaborative divorce.

I believe that unless we incorporate "collaborative law" with the best thinking on "unbundled legal services", "legal coaching", "access to justice", and "family law mediation", collaborative law will be a single faceted, one-size-fits-all, remedy that will be of virtually no use to my clientele and colleagues. It will be trendy, but how will it play in Welch, Logan, or Thomas? Not so well I think.

Just like Magistrate Courts have only the domestic violence statute as a family law tool, it won't be enough to have only collaborative divorce as The Family Courts' tool. My point is **WE NEED A BETTER TOOL KIT!**

A fair example is that I do not take any trip, do any mowing, or take on any task, unless I have my Leatherman tool; not just the micro, but the \$79 version which contains a dozen tools. Family lawyers in West Virginia need a **"Family Law Leatherman Multi-purpose Tool"**.

Collaborative divorce will be fine for 20 % of litigants in the more urban counties, and eventually a bit more, once lawyers are trained in it, What about the other 80 %, including drug, alcohol, physical, psychological, and sexual abuse? Where does that fit in?

Who is going to train a generation of collaborative lawyers when family law mediation has been around 15-20 years and remains, in most of the State, in **"The (Mediation) Dark Ages"**.

Two of my State Bar committee chairs told me, **"The judges will never approve it."** Of course not! They have vested interests in the way things are now! As a group, they don't want to give up power! Judges do not mediate cases. They do not see what happens in a collaborative divorce, and most have not served as mediator or "coach" for unrepresented parties. Most, being older, have seen the law change at a glacial pace compared to our society!

Blessed are the judges who actually notice when their lawyers are collaborators, innovators, strivers for justice, and candid about their own clients' limitations. Those judges are not afraid to send us to mediation, to encourage settlement discussions, to appoint committed guardians ad litem (children's lawyers), and to take time to try the cases that can't be settled.

My clients max out their credit card, turn to parents, friends, or family, get an advance from their employer, and that is pretty much all the money they're going to get. So, I try to set retainers that will cover their fees and costs in at least half the cases.

Of course, when I have a client with an excellent job, I can take that retainer in two or three pieces, but think of the person on SSI with income of \$700 a month, or on minimum-wage clearing \$1300- \$1400 a month facing a bill from me of \$3000 and knowing they will have to send me \$100 each month for almost 3 years! Eventually they stop sending the check.

If a client feels pressured to settle now at a mediation knowing that if mediation fails their lawyer will stay with them through trial, just imagine the pressure on a person who hears from her lawyer, **"Settle this case now, or I quit!"**

Additionally, imagine the person whose collaborative negotiations have failed, whose lawyer just quit. She must come up with money so a new lawyer can repeat the work of the prior lawyer and also try the case. Some people can afford that; most WV litigants cannot.

What makes sense is to have the complete toolkit, to do a good intake, to identify the proper tool for the job. Then the parties can a. proceed with an informal settlement conference, b. with or without an attorney on both sides, c. go to pre-litigation mediation, d. with or without an attorney on both sides, e. conduct expedited mediation by agreement, f. mediate pursuant to a court order, or, g. move on to a contested trial.

Parties with very limited resources can seek unbundled services in the form of a full consultation, for which I charge \$500, ghostwriting, or even a "handholding agreement" where the client will represent themselves but with the ability to call and obtain answers to questions from a continuing legal advisor.

Only with the robust " Legal Leatherman Tool" can the family law practitioner meet the needs of our West Virginia citizens.

Tying that back to the original issue I addressed in this case, since 70 % of domestic violence filings are really "domestic squabbles" that do not need to have the stigma and the harsh adversarial quality of a domestic violence accusation, why does the magistrate not have the ability to accept petitions for "domestic squabbles", conflicts that are urgent but fall short of domestic violence?

They could address them swiftly with simple orders such as the possession of a home or a car or even temporary custody of a child, but with a guaranteed hearing date in the near future. Such a tool in the toolbox could avoid lots of real domestic violence later. When there is no order and the parties are panicking, or they are angry, or they are thinking of violence, having ways to defuse the situation is essential. We do not have that now.

Right now, the only tool the magistrate has is the domestic violence petition. A more cumbersome tool which the Family Court has is something called a petition for ex parte relief"; that's a petition which may be granted to one side based on a sworn affidavit without a hearing. I don't have time to discuss it now, but it should be used rarely, and it has great potential for harm.

For now, the magistrate is like the person who only has a hammer; for him, every problem looks like a nail! That's why we have the excessive filing of domestic violence petitions.

It occurs to me that collaborative divorce is a bit like the Leatherman Micro with two few tools and no HAMMER! And yes, sometimes "the hammer", a trial, is necessary. **But no person should be forced into a choice to take accept settlement or lose her lawyer. j.b.h.**

1. <http://hunterlawfirm.net/the-maze-of-wv-child-custody-issues-just-dropping-crumbs-wont-get-you-out/>
2. <http://hunterlawfirm.net/time-revise-mediation-wv/>
3. <http://hunterlawfirm.net/family-court-mediation-streamlined-ideas/>
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6. <http://hunterlawfirm.net/?s=unbundling>

A CONUNDRUM FOR FAMILY COURTS: WHAT TOOL FOR WHAT PROBLEMS? #1 (2018-09-25 11:51)

A CONUNDRUM FOR FAMILY COURTS: WHAT TOOL FOR WHAT PROBLEMS? # 1

(A discussion of some tools that can protect WV litigants and children, streamline justice, improve access to justice, and help WV small firm lawyers survive in a challenging economic and social climate.)

Today I am ending a hiatus in serious blogging. The problems tackled below are worthy of serious thought, so there is a #1 and # 2. I would love to see WV Family Law, and WV family law practice, turn in this direction A few months ago, I became discouraged with my efforts to change and improve our profession. And, in spite of liking all of my committee chairs, save one, and all of my fellow committee members, some of whom confided that they felt just as I did, frustrated at the apparent stalemate, I resigned from the four WV State Bar Committees.

My research tells me that I am not a "bomb thrower", as one committee chair called me. By nationwide standards, I am pretty much middle of the road among those who are studying "accelerating change".

And, as much as I like and respect my fellow committee members and the committee chairs, I recognize that our profession has organized itself in a way to protect our privileged position and to protect its wealthiest and most powerful members. Thus, there is little the committees can accomplish.

Just as in life, the "little guy" gets "thrown under the bus". Yet it is us "little guys" who should be the most innovative in finding a way to meet the needs of the working middle class and poor. With a little help from our State Bar, there are ways small firm and rural lawyers can "make an honest buck" and double the availability of services to low and middle income family law litigants.

Other areas of the law can benefit too, but today's blog will stay with family issues.

I

The "Family Court Jurisdiction To Restrict Contact Between Parties Act".

Last week I encountered a question that I can help answer, regarding a statute, WV Code Sec. 51-2A-2a, The "Family Court Jurisdiction To Restrict Contact Between Parties." Act.

The issue was presented by a family court judge who knew of the statute but felt she cannot use in in a domestic violence case unless there is also before her a related family law case, divorce, allocation, modification, or contempt.

Here I make the case that she can enter the order even where the litigants are not married, never have been, and have no children together.

On Dec. 13, 2014, I posted, "The Supreme Court Rules People May Not Agree to Leave Each Other Alone". [1]<http://hunterlawfirm.net/wv-supreme-court-rules-people-may-not-agree-to-leave-each-other-alone/>

In it, I discussed a bizarre ruling that had just been issued in a "Memorandum Opinion" by West Virginia Supreme Court of Appeals, **Riffle v. Miller**, Sup. Ct. No. 14-0042. Inexplicably, the Court had sustained a Circuit Court judge's ruling that the only type of restraining order a Family Court Judge could issue was one based upon a clear finding of "domestic violence".

That meant no order preventing a person from posting naked pictures of their spouse, no order preventing Daddy from calling Mom "the C word" in front of the children, and, in **Riffle v. Miller**, no order prohibiting an ex-wife from calling and texting her former spouse incessantly , even though he was dying of leukemia! It also meant that Family Courts could not prohibit behavior they had prohibited in thousands of orders over decades!

As a reaction to my rant on Facebook, my friend and colleague Tom O'Neill, whose name I list here with permission, reached out and said, "Why don't we write a bill?" That was not an idle suggestion since Tom was

counsel for Sen. Charles Trump's West Virginia Senate Judiciary Committee.

My blog article above describes how we drafted the bill and shepherded it through approximately six revisions all the way to the Governor's desk without one nay vote. It is an effort I am proud of. I posted the story of its passage in, [2]<http://hunterlawfirm.net/the-wv-senate-bill-430-now-a-law-that-no-one-heard-of/> .

Since that day, I have been involved in at least 50 cases in which a "no unwanted contact" order was entered. That translates to thousands statewide. It seems not to have attracted much attention, because the day that **Riffle v. Miller** came down as a final decision, Justice Loughry recognized that "our law" existed and, in effect, said, "Never mind."! So it became, "The Case No One Heard of."

The honorable family court judge that I mentioned at the beginning of this post expressed her belief that the moment she dismisses a domestic violence petition, she loses all power over it, and a "no unwanted contact order disappears."

She explained that where there is a companion case (divorce, paternity, etc.), with the same parties, she believes that she can enter such an order because the case is still pending in her court.

I understand the logic completely but respectfully disagree and quote paragraph (a) of the statute:

"A family court in its discretion may **at any time** during the pendency **of any action** prosecuted under Chapter 48 of this Code, restrict contact between the parties thereto without a finding of domestic violence under article 27 of said chapter. This order shall not be considered a protective order for purposes of section 507 article 27, Chapter 48 of this code. A court may enter a standing order regarding the conduct expected of the parties during the proceedings. Any standing order may restrict the parties from..." (emphasis added)

The statute goes on to list many examples such as prohibiting entering the complainant's home or business, contacting (her), etc.

I submit, "**at any time** during the pendency **of any action** prosecuted **under Chapter 48**" is clear and unambiguous.

The domestic violence statute is Article 27 of Chapter 48.

There is one important caveat to my opinion. I understand and share the concern of those engaged in attempting to prevent domestic violence. The last thing anyone wants is to give a power to the Family Court that would endanger funding through the Federal "Violence To Women Act" or other domestic violence funding or increase vulnerability of domestic violence victims. Our law was designed to protect people from harassment, violence, and death!

Thus, I have no quarrel, and do not know but assume, that most family court judges will not enter such an order if the complaining witness is demanding a trial on the merits of their domestic violence allegations. Otherwise, a person who inflicted a severe beating could simply accept an order without the finding. (Set aside for this article discussions of criminal domestic battery or assault or other crimes.)

I have written on other occasions that the passage of the domestic violence statute many years ago appears to have resulted in an increase in domestic violence of 1000 %. That is an exaggeration of course, but, in fact, once this tool became available, as essentially the only tool magistrates had, to grant emergency relief, magistrates began handing them out like hotcakes, and people began filing them even when there was no domestic violence. (Note, without an accusation of domestic violence, magistrates may not determine temporary custody, possession of a house, or a car, or a pet. But with the violence accusation, they may order any of that relief, temporarily, without a hearing!) That makes it a powerful weapon that many people use.

Do not get me wrong. Domestic violence is a very serious problem in West Virginia. From my experience 10 % to 25 % of domestic violence filings are completely legitimate, potentially life-threatening, and the reason that the law exists. At least 25 % more meet minimum objective standards for filing, but half should be dealt with differently. (These are just my opinions, based on experience representing women and men.)

Perhaps 50 % of the cases has some element of violence, a bruise, shoving, threatening, loud voices, or standing in a person's way so they cannot leave the room. That is why the granting of a "no unwanted contact order under Sec. 51-2A-2a is discretionary. The court must apply its experience and knowledge of the law to the alleged facts, must make careful inquiry of the parties, if the court is considering a "no unwanted contact order", **should not enter such an order if the "victim" objects**, but **should feel free to enter it regardless of whether there is a companion case**, and here is why.

Since the legislature unambiguously said the court may issue such an order "at any time" and "in any action" under Chapter 48, it is clear to me that the court can enter a no unwanted contact order and then enter a dismissal order with a specific conclusion, "All prior orders entered in the case remain in effect." That would completely dismiss the domestic violence matter, relieving the respondent of the stigma of a domestic violence filing, but leave in place a permanent, lifetime, no unwanted contact order, against the respondent **but only if they both ask for it, even a mutual order.**

20 years ago, the idea of a "mutual no unwanted contact order" was anathema. Why would a "victim" agree to such a thing? Because there are times that the Respondent to such an action is complaining that an order is protecting the petitioner against the respondent but freeing the petitioner to harass the respondent. If both agree, why not enter an order prohibiting any "unwanted contact". I have seen it work dozens of times, and....

"O.J." was under a domestic violence order when he cut off Nicole's head. It is a piece of paper. It won't protect a person from a sociopath, or a bullet. In many cases, tempers can cool, rationality can return, persons looking over the brink can step back, and, as in the case we recently resolved, a complaining petitioner can accept an apparently sincere promise from her "ex" that he understands the relationship is over, that he understands that she has expressed fear of him, that he respects her privacy and space, that he is not going to persist in pursuing the relationship, that if he sees her in Wal-Mart or Kroger's he will turn on his heel and leave and will, if necessary, even leave a plate of food in a restaurant rather than occupy her space.

However, in those cases where promises aren't enough and she wants the protection of a "no unwanted contact order", which can be enforced through a contempt action, but not immediate arrest, she should have that right. In my humble opinion, **that is what I think the law says.**

1. <http://hunterlawfirm.net/wv-supreme-court-rules-people-may-not-agree-to-leave-each-other-alone/>

2. <http://hunterlawfirm.net/the-wv-senate-bill-430-now-a-law-that-no-one-heard-of/>

Tying Together Five Years of Law Office Management and Technology (2018-09-24 11:24)

This is the slideshow of my Sept. 22, 2018 Continuing Legal Education Presentation on small firm law office management and technology.

[pdf-embedder url="https://hunterlawfirm.net/wp-content/uploads/2018/09/TyingitAllTogether.09.21.2018.pdf"] -

An Axe Wielding Futurist Recognizes Accelerating Change (2018-09-02 22:37)

[1]<https://www.ozy.com/rising-stars/the-ax-wielding-futurist-swinging-for-a-higher-ed-tech-revolution/86909>

1. <https://www.ozy.com/rising-stars/the-ax-wielding-futurist-swinging-for-a-higher-ed-tech-revolution/86909>

5.4 July

On Blogging, and my New Book 2018 (2018-07-31 20:23)

As I prepare to self publish my first book, I share with you the table of contents to my nine years of blogging. My first year I did one blog post! Since then I have written 1300 pages and 370 articles.

Now I have extracted and edited approximately 70 of those articles into a book, approximately 300 pages. I hope to publish it within 90 days.

The book is organized into several sections, starting with the rules of the game, the basics of preparation and protecting one's self in the legal world; law office management and technology; articles applicable to family law; articles applicable to contingency, personal injury, and insurance matters; articles applicable to civil matters; and my view of the world, historical, political, philosophical, and religious.

IF YOU HAVE FIVE MINUTES TO DO A SIMPLE REVIEW AND SCAN OF THIS LONG TABLE OF CONTENTS, YOU WILL HAVE AN IDEA OF WHETHER MY TARGETED BOOK IS FOR YOU. I HOPE YOU WILL FIND AT LEAST A FEW TITLES THAT ARE OF CRITICAL IMPORTANCE TO YOU OR YOUR FAMILY. I TRIED TO WRITE WITH RELEVANCE AND WITH USEFUL INFORMATION.

[pdf-embedder url="http://hunterlawfirm.net/wp-content/uploads/2018/07/2018TableContentsBurtsBlog.07.28.2018.pdf"] -

The Sad State of Our Fine Profession (2018-07-14 14:55)

Caveat: I speak from the perspective of a small firm, rural, trial lawyer. Perhaps those in larger cities and other practice areas feel much different than I. It's just "my take":

1. It is a sad day to read of the likely impeachment of a former Chief Justice of the WV Supreme Court of Appeals and the resignation and retirement, two years early, and under a cloud, of my favorite Justice. I hear there's more to come.

2. I have attempted to be a force for positive change in the legal profession in WV, advocating things that are strongly recommended by the ABA and the majority view in most states in the US. In the last 5 years, I have served on 1/2 dozen committees and the WV State Bar BOG, while maintaining my 20+ year participation as a Member of the Board of the WV Association for Justice, where I intend to stay.
3. In response, one of my committee chairs referred to me as "a bomb thrower. I am not a bomb thrower. I advocate for civility, better training for young lawyers in the art of lawyering, efficient office management, alternate dispute resolution, and better ways of delivering excellent legal services at affordable costs.
4. But, I am persistent and irritating. If I am a member of a committee, such as the WV State Bar Student Video Competition, or my old post as The Trial Lawyers People Law School which I chaired for five years, give me a job and I will do it.
5. But don't expect me to sit like a lump. If you are my chair person, I will pepper you with ideas, expect some feedback, and try to achieve reasonable, and some unreasonable goals. If I am yours, I expect you to work.
6. My experience is that the Trial Lawyers (WVAJ) is a dynamic group, tough, smart, and up to date, but much of what they do is outside my practice area. And I do not have the money or clout to be much of a "player" there. I am honored they have given me awards and permitted to serve as a board member for over 20 years.
7. As for the rest, our profession in WV is encrusted, depressed, often addicted, and tired. We, and the teachers, the police, the churches, and our judges are exhausted by trying to hold our troubled society together. Here in WV the "wheels have come off".
8. Our local newspaper's front page has great photos of people trying hard to keep our community vital, creative, and prosperous, next to story after story of drug offenses, collisions, police chases, child abuse, and gun violence.
9. Our state and country is in trouble. Good, thoughtful, courageous, people need to reduce the rhetoric and buckle down and keep working for solutions. I will be doing that in my slice of the world and no longer will be serving on statewide committees. It will be a better use of my time.

5.5 June

Tying It All Together: Mediation, Unbundling, Collaboration, and a New Paradigm (2018-06-25 19:39)

What I hoped to simplify is getting more complicated. I am doing research so I can report to the readers of my blog, to fellow members in the West Virginia State Bar Family Law Committee, fellow members of the WV State Bar BOG Family Law Mediation Subcommittee to the BOG ADR Committee, and to fellow members of the two BOG "Future of the Law" committees on these closely related subjects.

I find myself staring at four 300 page books, ***"Unbundled Legal Services – A Family Lawyer's Guide"*** by

Forest S. Moston and Elizabeth Potter Scully; ***“Collaborative Divorce: Helping Families Without Going To Court”*** by Forrest S. Mosten, ***“Structured Negotiation: A Winning Alternative to Lawsuits”*** by Lainey Feingold, and the first mockup of my book, ***“Perspectives Of a Small Town Lawyer”***, which I hope to publish before the end of the year. These 1100+ pages are a good start in understanding the challenges and opportunities these ideas provide.

I am acutely aware that these three committees, other lawyers, family and circuit court judges, our WV Supreme Court, State Disciplinary Counsel, and legislators will have to be informed on these subjects before real progress is possible.

I began work this morning encouraged by a 20 minute interview on ***“The Lawyerist Podcast”*** of “The Father Of Unbundling”, Forest S. Mosten, and knowing I have two of his books. He is a great resource on these subjects. [1]<https://lawyerist.com/podcast-143-forrest-mosten/>

I was also encouraged by Mr. Mosten’s assurances that unbundling is not new, that it began over 20 years ago, that forty (40) states have “unbundling rules” and that the American Bar Association (ABA) is highly in favor of unbundling, mediation, and collaborative legal approaches. It is an ethical approach with a very low rate of malpractice claims and abuse. But, the things I am referencing below are not generally in use in WV, where they are so desperately needed.

I was disheartened to find Mr. Mosten’s four page, 150 paragraph, ridiculously complicated, unbundled fee agreement!

It will be no surprise to anyone who knows me that I prefer my approach, having the client sign off on an article I’ve written on unbundled legal services that he or she has carefully read the article and agrees to its concepts.

Mr. Mosten’s form contract with 50 or 60 checklist items that must be answered “Yes” or “No” before the unbundling meeting can begin seems to undermine the idea of an informal robust full consultation and Legal coaching arrangement, which is the model that I think is the logical first step in West Virginia.

Forging on, we also have the problem that at least 50 % of our family law attorneys in West Virginia, by temperament, training, or mindset, are unqualified to provide unbundled services, to be fully committed the mediation process, or even to consider “collaborative divorce”. They have been trained, or are of a nature to believe, that lawyers are adversaries, fighting to defeat an opponent, not collaborators committed to improving the lives of all parties and their children.

These people continue to do things their way, and their approach will still exist 10 years from now. But I think we can influence substantial change. The future will demand it.

By analogy, I recently had an idea how the my church, The United Methodist Church, can change its approach to food. You see, our church has survived on covered-dish dinners, pancake breakfasts meat and potatoes, candy sales, cookie sales, strawberry shortcake, homemade ice cream, and chocolate Easter Eggs for many decades.

Just think the reaction if the next covered dish dinner menu were “The Induction Phase” of the Atkins diet or Dr. Gundry’s Diet Evolution! It would be a riot in the church basement!

But what if every such event included had an alternative menu, only 10 % at first, of low carb, low sugar, unprocessed, natural, organic, foods. And what if the church devoted serious thought to educating our

members about the nutritive value, the health benefits, and the need, the crying need, for us to stop bingeing on high sugar high carb highly processed chemically laden foods?

The meat and potatoes and apple pie people could continue to do their thing while just down at the end of the table a relative few people are breaking from the past, trying something new, and improving their world? Perhaps in 5-10 years half the people would have changed their habits and the Church would be a source of physical health and emotional health as well as religious health. During the same period, perhaps the Church could ease away from the supernatural dogma, focus on universal values (secular and religious values), and physical fitness and mental fitness.

Just think what a rational church, with healthy members, filled with energy and commitment, could do to change a community, a State, a Country, and a World? I realize these words might offend the devout, but they reflect sincerely held and well-intentioned suggestions.

That is why my approach to "the future of the law" has been multifaceted. Besides learning how to run a law office efficiently with cutting edge technology, I suggest a revision of the family law mediation rules, a change in the adversarial mindset of lawyers, mandatory Family Court mediation on all issues, streamlining and enforcing the rules of discovery, putting our toes in the water of collaborative divorce, and considering early, even prelitigation, mediation. I urge mediation for self-represented, pro se, litigants. I also suggest an expanded role and training for paralegals and a modern focus on "preventive law".

If "**collaborative divorce**" as I understand it includes a core component that the attorney "collaborative lawyer" must withdraw if settlement fails and hand the case over to another attorney, I consider it to be utterly impractical and unworkable in West Virginia. Many parties could barely afford the first lawyer, let alone a second one!

For me, the preparation of any case, even a relatively simple divorce, is collecting the "puzzle pieces", the documents, the people, the communications, the events, the organizations, places and things that make up a case, and educating the client and negotiating a workable compromise where possible.

My approach is to empower my clients by providing them a method for gathering this information, for completing the Supreme Court mandated forms, and for listing the key elements, questions, and goals in their cases. I call it my "Digging Down" approach. [2]<http://hunterlawfirm.net/2018-revised-digging-organizing-preparing-case/>

I cannot understand, having been with a client from "day one" and having learned all the information the client has gathered at my direction, the benefit of handing over the case to another lawyer to learn all over again. The person most likely to achieve a settlement, from my experience, is the one who is prepared for "the fight" if one becomes necessary in spite of all efforts to the contrary.

I say all of this knowing that more than half of the family law attorneys in West Virginia don't even accept the fundamental necessity of universal and mandatory mediation. How are they going to wrap their heads around this non-adversarial, collegial, collaborative, approach to divorce? It "ain't going to happen.", not until much training, thinking, and changing take place.

In summary, some "baby steps" in the direction of a new way to approach family justice in West Virginia is as follows:

1. Encourage innovative unbundling and Legal coaching.
2. Do not include limited purpose appearances, at least not at first.
3. Simply require and expect that the attorney who is providing unbundling services has the experience and the tools to provide to the client the essential guidance he or she needs and has a burning desire empower them to protect their interests.
4. Require lawyers to obtain training in family law mediation, by requiring mediation in most cases.
5. Require mediation in virtually every case unless settlement has been achieved.
6. Encourage mediators who work with both sides pro se to be pro-active and not afraid to draft usable agreements.
7. Never differentiate between "children' issues"and "other issues". All are family law issues, and train law students and young lawyers that family law is not "scorched earth" and adversarial.
8. Streamline and enforce discovery. Punish those who "hide the ball".
9. Don't be too quick to sing "Kumbayah" and wrap arms around each-others' shoulders around the camp-fire. Half of my family law cases involve significant emotional and physical abuse. Litigants have learned to race to the magistrates' offices to get their domestic violence petition, and most family law lawyers are trained in emotional combat. These habits will be hard to break, and certain cases will still require "hard ball". Be open to collaboration and prepared to stand up to bullies.
10. Explore expanded roles for paralegals and legal assistants.
11. Finally, on the subject of "structured negotiation", I encountered one of the major challenges to such an approach in a recent case. it was a perfect case for early mediation. The litigants knew one another, the dispute included legitimate concerns by both sides, there were solutions available to benefit both sides, and we suggested an early mediation with an excellent mediator, a couple of qualified experts, visiting the scene of the dispute, inspecting it together, then traveling to the mediator's office to work out the collaborative solutions.

My 70-year-old opponent said, "Burt, that's the dumbest thing I've ever heardj", or words to that effect. He had no inclination to educate or convince his clients that this approach might work. They rejected my proposal out of hand and left us no alternative but to sue his clients. At the scheduling conference, he informed the Court, "This looks to be a little pretty good case for mediation Judge." Sigh. Old, adversarial "attitudes are not easy to change.

With something like 70 % of family court litigants coming to court unrepresented, and with our country reeling from "accelerating change", change will come regardless of these attitudes. The question is can well-intentioned, thoughtful, and intelligent lawyers and judges and legislators help guide these changes in a positive direction?

I think we can and intend to keep trying. I recommend we revise the family court mediation rules, issue simple, concise, innovative rules on unbundling, collaborative family law, revised and simplify discovery in family cases, and make "Preventive Law" a large priority. That will be a good start.

1. <https://lawyerist.com/podcast-143-forrest-mosten/>

2. <http://hunterlawfirm.net/2018-revised-digging-organizing-preparing-case/>

WV's Child Custody Relocation Statute: A Critical Issue for Parents and Children (2018-06-19 23:37)

I met with a new client recently because she had encountered an obstacle to her plan to relocate the parents' two-year-old child several states away. The father had objected to the mother's notice of relocation. I was surprised when she said that my blog had only an oblique reference to "relocation of a child". So, here is a "quick fix" and my serious warning:

1. The good news for the parent who objects to their child moving away, you now have a fighting chance. The good news for the parent who desires to move is that you can make a reasonable prediction of the eventual outcome if you do your homework.

2. **The WV Relocation Statute**, WV Code 48-9-403, is rather straightforward, but it has significant potential pitfalls for the parent on each side of this serious issue. Here's the link: [1]<https://tinyurl.com/ycvtvb7q> .

3. The key question is whether the proposed move will "significantly impair" the other parent's rights under the current court ordered parenting plan. You probably should stop for a moment and read the statute cited above. If you are in my blog, just click the hyperlink, but please return.

4. When I began my practice, motions to relocate with the child were routinely granted to "the primary caretaker". I will not recite the history here, but until recently, the moving parent could still expect to take the child to the new home if she had been awarded "the substantial majority", of parenting time, that is 70 % of overnight time.

5. "The 70 % rule" allowed a parent, usually the mother, to have a legal "presumption" in favor of the move so long as it was in good faith for a legitimate purpose. The statute lists examples. If the move is for something other than one or more of the causes listed, the presumption in favor of permitting the move disappears, and "best interests of the child" becomes the standard, as it is if the moving parent does not have the "substantial majority of parenting time".

6. If you file the notice, and the other parent does not object, you can expect to be able to move, but you will need to renegotiate a parenting plan. If you file your own notice, using common sense, and the other parent objects, you are likely to learn your notice is inadequate.

7. As I reread the statute today, I am reminded that it is nuanced. You should read it out loud, word for word, with the attorney, and apply it to your situation. Failure to do so can have dire consequences.

8. I wrote about WV's new child custody law back in April: [2]<http://hunterlawfirm.net/brand-new-wv-custody-alimony-law/> . This law does not revoke or modify the relocation statute, but I noted then that in removing the "caretaking functions" history as a major component in determining residential care (custody), the legislature appears to be swinging the pendulum in the direction of the fathers.

9. I have anecdotal information that it is becoming harder for the traditional "primary residential parent" to be able to pick up and move with the child. I expect to see an increasing number of contested proposed moves.

10. So, my best advice is either retain record counsel and file a notice of relocation and petition to modify custody at the same time or consider finding a "legal coach" or consultant to assist you in preparing you notice. This is a time when using this option of "unbundled legal services" may be a good option, or perhaps it is your only option if you are short of funds. For more on "unbundling", just type "unbundled" into my blog's search engine. www.hunterlawfirm.net/blog/

11. I believe the time that the custodial parent could simply file the notice of relocation and expect to be permitted to move the child has passed and that these moves should be carefully planned and notices of relocation carefully worded.

1. <https://tinyurl.com/ycvtvb7q>

2. <http://hunterlawfirm.net/brand-new-wv-custody-alimony-law/>

Anthony Bourdain, Suicide, and The Meaning of It All (2018-06-13 11:18)

"Bourdain": My title to a FB post;

I said to a good Facebook friend, "Thanks for getting an interesting discussion going on FB about this man's tragic suicide. I am not competing, but I would like to address the question raised by the talking heads, who are going through all the predictable motions, with predictable negligible impact."; and, **"Why are suicides on the increase?** Since I am holding on to my own small part of this huge elephant (My family law practice has been touched by @ a dozen fatalities, 2/3's of which were suicides), I share this draft of my next blog article for your input and consideration."

1. My reading leads me to believe that as humankind's mental capabilities evolved and increased, and as our awareness of the dangers all around, and the inevitability of our deaths, became apparent, we perfected something the other animals simply do not have; "WORRY".
2. Most animals evidence fear, as you can see when the deer or bunny bounds away, or the Mourning Dove bursts into the air with its frightened call, but look at them two minutes later, heads down, eating peacefully, but alert to future dangers. They don't obsess or worry. I doubt they are even aware they are going to die.
3. Then picture the apes in Kubrick's and Clarke's classic, "2001 a Space Odyssey", just before dawn the day they discovered the monolith. They are huddled together, cringing in fear from sounds of Saber Tooth Tigers and other predators. But they aren't yet "special", and they aren't thriving. In Arthur C. Clarke's vision, they are a marginal species, just hanging on.
4. If Clarke's imagination was fact, however, those critters would not be worriers, yet; and I'll bet that in spite of the hardship, suicide was nearly zero.
5. But then that monolith shows up, patterns our brains to make tools, and that forerunner of the military style rifle and nuclear bomb, a thigh bone with a knobby end (whack!). But once our brains get that large and creative, worry arrives, including worry about "the hereafter".
6. How did our predecessors deal with all that worry, especially fear of dying? And, in spite of that worry, suicides were rare for hundreds of thousand years. What happened?
7. Look at the caves of France, Chauvet and Lascaux, and the pregnant woman effigy doll found in what is now Germany, from 30,000 to 40,000 years ago. By then, we had begun to visualize and imagine, to worry, to philosophize and hypothesize, and to make tools and appreciate "things".
8. Inevitably, some of the smarter critters, for reasons I try to imagine, but at least partly to control and organize the rest, came up with a solution.
9. The better ones may also have wanted to provide comfort and peace, but, remember, empathy and compassion weren't well-developed. Egyptian "priests" were not generally devout or compassionate. Things were getting complicated, and solutions were contemplated. But we had no scientists and no concept of the scientific method. Their math, while miraculous for the day, lasted essentially unchanged for 3000 years. It

sure was not calculus!

10. Those challenges somehow brought forth the great religious teachers and philosophers, including but by no means exclusively, the teachings of someone we call "Jesus of Nazareth", "The Christ". Collaborative creatures eventually discovered compassion and empathy, but first we just needed to get organized. We still had to fight to survive, and suicide remained rare.

11. The early "witch doctors", shamans, medicine men, priests, prophets, and philosophers, most of whom, unfortunately, were patriarchal men, knew nothing of science. And they did not understand the fundamental principles of existence, time, matter, motion, space, DNA, evolution, or life.

12. They knew what they could see, that sometimes pigs hosted intestinal parasites, some plants were poisonous, as were some animals, and that occasionally people acted wacko. They saw these people as possessed by demons to be exorcised. They experienced terrible storms, floods that became legend, volcanic eruptions, shooting stars, comets, and eclipses. And, they had no clue what caused them. They personified them and desired to placate the entities that caused them.

13. **So, they made up stuff.** If we look at it objectively now, we see they had no pipeline to any GOD; no hint they had been visited by intelligent aliens, no ancient cell phones or motorbikes; "Nada"! But, they thought hard and deep, sometimes consumed hallucinogens, and sometimes acted with cynical fraud, and claimed brilliant, supernatural insights.

14. It followed that they needed miracles and interventions by gods and spirits. So they invented them, and people "believed" and "had faith". But not objective fact or evidence.

15. And they provided certainty: **"Follow 'our rules' and you will be just fine."**

16. "Rely on someone else to do the thinking. **Fail to do so, and you will be punished!"**

17. Where faith wavered or behavior deteriorated, we had good old animal and human sacrifice, and, later, threats of fire and brimstone, everlasting torture, unless we "toed the line".

18. I won't list a bunch of names here, but many of my Facebook friends are thinking deeply on these subjects. That's why I can interact with friends in Ca., Fla., Michigan, Israel, Tasmania, and Libya, because I find people who are wondering about these same things.

19. No one puts more mental energy on the challenges to modern religion than my dear friend Joe JB Shaver. Try getting through your FB day, if you are his friend, without hearing from Bishop Spong, Steve McSwain, or The Dalai Lama. J.B. keeps you tuned in. "Welcome God 5.3.", he cheerfully says each day.

20. Then there are the "new atheists", Dawkins, Evans, Hitchens, Anderson, and Jacoby. (the latter two probably shouldn't be lumped with the three former, but all are "secularists".)

21. If you take away the myths, strip religion of the supernatural, tell the truth based on the evidence, and don't replace it with anything, life can be truly terrifying. When we die, it is simply over except for the memories that live in others. That seems natural to me, but it scares most of us, and me once in a while.

22. If there is no "natural law" underlying our values, what are our values? If we won't burn in hell, why do we do good? Why not be in the local drug cartel or Taliban or Isis cell? They'll look out for you and help you prey on others.

23. That's what I struggle with when I suggest we abandon the myths, the impossible stories, the threats, the moral elitism and the, "We'll do the thinking for you." attitude of most religions. What do we replace them with? I suggest reason, compassion, empathy, curiosity, and passion. And here's why.

24. I fall back on Supreme Court Justice Oliver Wendell Holmes III's essay, "**Natural Law**". He talks about our desire for the superlative, our belief, especially our certitude when drunk says, "**It is not enough for the knight of romance that you agree that his lady is a very nice girl—if you do not admit that she is the best that God ever made or will make, you must fight.**"

25. I rely on what I learned from him while in law school, have paid attention, to parents, grandparents, teachers, coaches, and mentors. I have watched other lawyers, especially the brilliant and impassioned ones that come in from all over the country to speak at our WVAJ events. And, I've been attracted to the "good guys" and "good girls". They're the ones who I want to be my friends.

26. In Sunday School, Methodist Youth Fellowship, Cub Scouts, The YMCA, choir, chorus, school, college, and everything else I did, I noticed those people and wanted to emulate them. 4-H had "Charting". The manual's title was in Greek, Gnothi seauton., "know thyself".

27. I weighed the evidence, and then I wrapped my arms around my own "**can't helps**" as Holmes called them; values and qualities that a whole human being should have. Then I worked as hard as this flawed human being could, failing miserably at times, to "be a good boy" as I promised my Mother I would be. A Good Boy is what she drilled into my head. Mine may be no better than yours, but I "feel" that they are right.

28. I think it has been a blessing to have been obsessed with this subject since my earliest memories. But I am struggling with the best way to help the person who just wants to live a happy, fulfilled, life. If they are going to "dead, dead and gone" as the old '60's song "**And When I Die**" [1]<https://youtu.be/SFEewD4EVwU> , then what's it all about? Why should we care? **And why the hell are things changing so fast?**

29. These questions scare the shit out of people, so they turn to drugs, alcohol, movements, meditation, and "strong leaders" and "inspirational leaders" for answers. In an age of "accelerating change" the problem of suicide is increasing. For now that is my working hypotheses. Our country is too consumer based. We brilliant apes are not adapting fast enough. We cannot process the dangers, our food, environment, drugs, information, and misinformation. The resultant stress is enormous.

30. I intend to keep studying, to come up with my own solutions, and not to let someone else do the thinking.

31. Dawkins and Evans, the atheists, fall one step short, I believe, of my lame answer. They just detest religion. They do not provide a viable alternative to the average person, then non-scholar.

32. My friend J.B. wants religion to adapt and change. Bishop Spong likes to talk "gobbledygook" so the people who need old-time religion will sign on to his "new way". It's not that I disagree with him. He really is urging people to reject myth, tribalism, and judgmental thinking. It's just that he seems to be making the same choice the old myth makers did, "Follow me, and I will lead you to the light."

33. Maybe that's what I am doing, but I just want people to think critically, to read and watch things of quality, to wake up each day with passion and commitment, and to seek truth, regardless of your "faith" or "wish". Don't buy a "pig in a poke"; do not believe something because it is in the Bible or the priest or pastor tells you to.

34. Do your homework and seek truth.

For now, I will just have to admit, **I do not know**. I am still trying to figure it out.

1. <https://youtu.be/8gxwutv1Tw8>

Low Tech Solutions for the Tech Savvy Lawyer (2018-06-11 20:23)

My web designer/graphic artist Dan was kind enough to add this feature to allow me to upload a PDF. Here it is, a detailed outline of my suggestions for underpinning, and beginning to move, your small firm into the 21st Century. **Feedback and questions are always appreciated.**

One update to this post: I lament here the expense of the CaseMap Suite of apps designed to organize the facts in your case, but this morning I "bit the bullet", and for the sum of \$150/mo. I have two licenses for CaseMap, TimeMap, TextMap, and (I think Document Map) in their current iterations. I will report back here and add my progress in returning to a product I felt that I had to abandon because of price. I still think that's too high in this new world of "apps". *Burt Hunter*

[pdf-embedder url="http://hunterlawfirm.net/wp-content/uploads/2018/06/Low-Tech-Solutions-for -the-Tech-Savvy-Lawyer.06.02.2018pdf-2.pdf" title="Low Tech Solutions for the Tech Savvy Lawyer.06.02.2018"]

5.6 May

YOU HAVE YOUR COURT APPROVED PROPERTY SETTLEMENT AGREEMENT: NOW WHAT? (2018-05-23 13:39)

This is a companion to my article, "So You Have Your Child Custody Agreement: Now What?" [1]<http://hunterlawfirm.net/so-you-have-your-child-custody-agreement-now-what/>

I was prompted to write the first one because of a client who had a good parenting agreement but no clue how to enforce it. Six months after the court approved it, she found herself back in Court trying to enforce and change it. I wrote "...Now What?" to empower her and the rest of my clients.

Now I do the same thing for you regarding that property settlement agreement.

This spring I was startled to meet two people who simply had no idea what was in their divorce property agreements. Each had been served with a contempt petition. And each was so clearly wrong about the terms of the agreement that I had to admit to myself, as if I hadn't seen it hundreds of times, that people believe what they want to believe.

Stubborn refusal to comply with the agreement can lead to a contempt petition and incarceration. Leaving loose ends can cost a party thousands of dollars.

This is advice to my colleagues and my clients. I hope you will "take it to heart".

I have written elsewhere about using checklists and having systems. Our file closing checklist is part of our

family law practice system. We cannot close the file until the checklist items have been checked. So, have a checklist.

Here are things to recall:

1. Litigants, do your own checklist. Use your “PSA” as your guide.
2. If bank accounts are divided, be sure your or your former spouse’s names are removed from the account.
3. The same for credit card accounts. Don’t let your credit be impaired by failing to attend to this, and if it is a loan or credit card account, mark your own calendar or task reminder until you are released from that account. e.g some banks require six timely payments before they release the second party. When in doubt, call the institution during mediation and ask.
4. If the other side agrees to refinance within a specified period, or to reapply periodically, say annually, to refinance, never fail to remind the other party or to request politely for documentation such as a loan application and bank denial letter.
5. E-mail or texting may work, but be sure to save the sent communication.
6. Consider my “trick” of sending your reminder by a. Regular mail; and, b. By certified mail; and c. Attaching a “certificate of service” that certifies you sent the described documents to a specific address on a specific address. Use both regular and certified. That is essential! This works with the person who refuses to pick up the certified envelope.
7. The same for your side. Do not forget to apply for that refinance or to insist the bank tell you how many timely payments you must make in order for the other side to be released. You can reasonably be requested to provide the full loan application and denial letter!
8. Then follow up! You gave your word, and the Court ordered you to keep your word, so just do it!
9. Remember to transfer titles to vehicles. If the bank is holding the title, be sure that lender has a copy of the order/agreement.
10. Remember to exchange keys; and get receipts for them. For your home and storage buildings, know when you should replace the locks.
11. Do NOT put off dividing “the stuff”; get friends with a truck, and divide it!
12. And, remember that a divorce order requiring a division of retirement benefits does NOT divide them. Such divisions are governed by the Federal E.R.I.S.A. law. Therefore, 401K plans, IRAs, and pensions are likely to require a “qualified domestic relations order”, a QDRO (ph: “quad row”).
 - a. Most companies have forms or form language online for QDROs. But do not try to do this yourselves. Many family courts require them to be prepared by a lawyer.
 - b. Some pension plans, including the military who won’t divide a retirement if it is less than ten years, require you to make a “survivorship election” that you may have already done. If so, that’s binding.
 - c. Such an election decreases the overall monthly benefit by approximately 10 % as it lasts for the longer of two lives. Be sure this is clear in your PSA and then make sure the “Plan Administrator” approves what you have agreed to.
 - d. If you did not get the other side to agree to it in writing in the PSA, don’t expect a “gift” when the QDRO is drafted.
 - e. Do not hire a lawyer who puts in her/his contract that they will not be responsible for the QDRO. If it’s too complicated for them, it will be too complicated for you, and getting another lawyer to do it for you may cost you twice as much and take twice as long. And, what conscientious lawyer will leave this huge “loose end” for you to deal with.?
 - f. You need the retirement “plan administrator” to pre-approve the QDRO.
 - g. The other party needs to approve the QDRO.
 - h. Then your Family Court needs to sign, or “enter”, the QDRO.
 - i. Then your lawyer needs to send a certified copy of the QDRO to the plan administrator.
 - j. The plan administrator then needs to approve the QDRO so that it become “certified”.
 - k. That’s a lot of work but it MUST be done. And, the lawyer who leaves you to do it knows exactly what she is doing! Think about it.

13. Then there is ALIMONY. Is it modifiable, or fixed? If modifiable, be alert to substantial and material changes such as an employment layoff, a big pay raise, a lottery win, or remarriage.

14. If fixed, but you just can't pay, all may not be lost. Call your lawyer, or, even better, call me!

15. Do not forget that award of attorney fees. If you are going to refrain from filing a contempt petition, work out a monthly payment plan, and make the other side adhere to it.

16. If you get the house, you will need a deed! But, depending whether you are the grantor or grantee, you must make sure that the release from the mortgage and delivery of the deed are coordinated. Perhaps the deed will have to be held by an "escrow agreement". Do not wait until you've paid the mortgage to track down your former spouse. By then, they may live in Tibet or not live at all. You need a closing, a date, place, closing agent, and closing checklist!

So, do not think you can walk out of that Courtroom for the last time and forget the parenting plan or the property settlement agreement.

Like your garden, they each need tending!

1. <http://hunterlawfirm.net/so-you-have-your-child-custody-agreement-now-what/>

Stupid Lawyer Trick #27 - The Trigger Happy Contempt Petition (2018-05-18 15:11)

I am painfully aware that I come across with posts like this as an arrogant "know-it-all". Do you think I like that? I hate it! I write these things **in spite** of wanting to be nice and constructive, not because I want to hurt feelings or offend. I do want to share ideas that will help our profession.

"Number 27" is just another set of suggestions that I think can help us be better lawyers.

First, a generalization. I have found that some lawyers build a reputation partially connected to the size of their retainers. People assume, since it works for dishwashing liquid and cookies, that "You get what you pay for."

For me, the factors of conscience, compassion, and commitment to clients' well-being must balance the drive to become wealthy and famous. When I come home, if my wife knows I did my best and did something for someone a competitor might not have, that's worth more than money. Don't get me wrong, money is important. I like money. But the client must come first.

Yet, I find the lawyer with \$7500- \$10,000 in her/his trust account is simply not as interested in getting to the bargaining table as I am. Being from a small town, most of my clients run out of funds before that, so I have worked hard on the "affordability" issue, and "access to justice".

I think that giving partial refunds, cheerfully and timely, helps one's reputation, and helps balance criticisms for being "too pushy". And, a world of credit cards has made billing somewhat easier.

But let me get to the specific criticism I have of some lawyers. It galls me to be hired by a client who has been sued for contempt and to learn that the opposing lawyer never wrote, called, or complained to my client even once.

I addressed this and other issues in "So You Have Your (Child Custody) Agreement - Now What?"

[1]<http://hunterlawfirm.net/so-you-have-your-child-custody-agreement-now-what/>.

I wrote "Now What" for clients who achieve an agreement but don't know how to enforce it or make it work. I was prompted to do so after a good agreement failed a young mother who had to hire me, and I learned that a colleague who is an excellent lawyer had neglected to instruct the client on what to do if the other person violated it, or the situation changed. I realized I hadn't been either!

So, now every client of mine who reaches a parenting agreement receives, and must promise to read, that article and two others: a. "THE SECRETS TO 'WINNING' CUSTODY OF YOUR CHILD", [2]<http://hunterlawfirm.net/the-secrets-to-winning-custody-of-your-child/> and, b. "THE SECRETS OF WINNING, Number II" [3]<http://hunterlawfirm.net/the-secrets-of-winning-number-ii/> These "how to" articles teach how to involve the other party in the life of the child while looking good for doing it.

It occurs to me that I need also to do a piece, **"So You have Your Property Settlement Agreement, Now What?". Be sure to subscribe to this blog, so you will get it as I hit "publish".**

In the two contempt cases I talked about, the persons who later hired me had misunderstood their agreements and inadvertently violated them. A good letter or two, or even three, citing chapter and verse of the Property Settlement Agreement or Final Divorce Decree could have avoided the litigation.

BUT, such letters might also cost the lawyer that big fee! Hmmm?

Ironically, an e-mail reminder, a text, a letter, certified letter, or ominous warning notice not only can often move the offending party out of their lethargy, but it is great documentation of the contemptuous attitude we are alleging. If you are filing a contempt petition, that's good stuff to have in your file.

Here is the advice I once got in a seminar from brilliant lawyer and friend Jim Bordas, **"Give them the opportunity to do what's right, and be ready to punish them if they do wrong."**

That's a good motto, and remember, "Do unto others as you would have others do unto you."

The lawyers who lack imagination, or who put earning that fee above the best interests of the client, fall short of the standards to which we should aspire.

Put the interests of the client first, and you will always have plenty of clients.

jbh

1. <http://hunterlawfirm.net/so-you-have-your-child-custody-agreement-now-what/>.

2. <http://hunterlawfirm.net/the-secrets-to-winning-custody-of-your-child/>

3. <http://hunterlawfirm.net/the-secrets-of-winning-number-ii/>

The Lost Art of the Letter: and Finding a Perfect Informal Font (2018-05-16 14:28)

Susan Jacoby's "The Age of American Unreason"[1] <https://tinyurl.com/yasc7trz> , is a brilliant assessment of the last 50 years of American Intellectual thought, but:

1. It was published in Feb. 2008, which means it missed the smart phone and Donald Trump!
2. She ends it in a bit of a rant about the relative uselessness of the screen, decries the death of reading of traditional books, and by attacking Wikipedia and espousing a return to "original sources" for research, ignored that she had no way of knowing where we would be in 10-15 or 20 years. She also disdains the 99 % of us, some of who have something to say but not the time to return to physical libraries, especially in faraway places.
3. In my life, I can find a definition, a term, a fact, a news story, a podcast, a book, the weather, directions, music, or an app, with a simple voice command. And, remember, even in the summer of 2018, "We're just gittin' started!"
4. Then I found an article in Joanna Gains' "Magnolia Journal" on the lost art of letter writing. What the author missed, for me, is that my handwriting is terrible, worse now that fingers are crabbing into permanent keyboarding devices.
5. I will miss e-mail if it goes. Text is so brief, ridiculous in its abbreviations, and best used as evidence in nasty custody fights.
6. As you can see here, I tend to break the rule that paragraphs should be longer than a sentence. Screens are easier to read if the writing is clear and concise.
7. I have this thing I call a "substantive e-mail". I can still dictate a formal letter, but for copying several people, my family, multiple counsel, my staff, and clients, or my fraternity brothers or Linsly Military School high school classmates, a well written e-mail can be invaluable.
8. So, I am going to try to evolve my e-mail and digital writing. More concise, as I tend to ramble, but not evanescent. (A word Siri just looked up for me!)
9. So, this morning I checked the fonts in Word 16, and searched Google for a couple more, and they are below. I want a replacement, that my distant cousin Gage, from Tasmania, who was not taught "cursive", can read.
10. Here is what I found? What do you think?
11. [2] ✖
12. As I spend this week with our grandchildren, ages 13 and 9, I am seeing how they use screens.
13. Our nine-year-old grandson loves crossword puzzles, although he looks up the answers and fills in the blanks.
14. Last night he was intensely viewing his grandmother's iPhone. Turns out he was watching short tutorials including "How to Organize Yourself". Who knew!?
15. Almost every student we saw, going to and from school and practice, was looking at a screen. But they weren't alone.

16. I am directly aware the horrors that lurk here, bullying, loss of privacy, distraction. But that is a big subject of its own.
17. These kids were in touch with family and friends. I realized that our granddaughter was in regular touch with her Mom, who is with Daddy on a well deserved vacation to a Caribbean Island. No more waiting by the phone hoping for a "long distance phone call."
18. Just like we wasted time on comic books, situation comedies, and The Hardy Boys, modern parents must learn new skills to guide the young to worthwhile sources, but we can't push the world back to Gutenberg or Papyrus!
19. **We are on the "accelerating change train/spaceship"** and we had best learn to enjoy the ride!
20. So, **which font do you want me to write you with?**
21. jbh

1. <https://tinyurl.com/yasc7trz>

2. <http://hunterlawfirm.net/wp-content/uploads/2018/05/Various-Fonts.jpg>

Collaborative Divorce: I Remain Unconvinced (2018-05-14 18:28)

Here is a Huffpost article and scholarly discussion of "Collaborative Divorce". It left me cold with the terms "psychotherapy" and "psychotherapists". Sorry, but I'm in the trenches, trying to save clients and their children. Cannot see that adding a layer to this often contentious cake will be an improvement. Anyone who has read my stuff, however, knows I am not a Luddite on this subject.

I worry that a person with only collaboration in their toolbox can't "build the big stuff".

[1]<https://m.huffpost.com/us/entry/5318672>

Susan Jacoby, intellectual, writer, college professor, and author of *The Age of American Unreason* would retch to see me write, "Here is Wikipedia's description of Collaborative Divorce.":

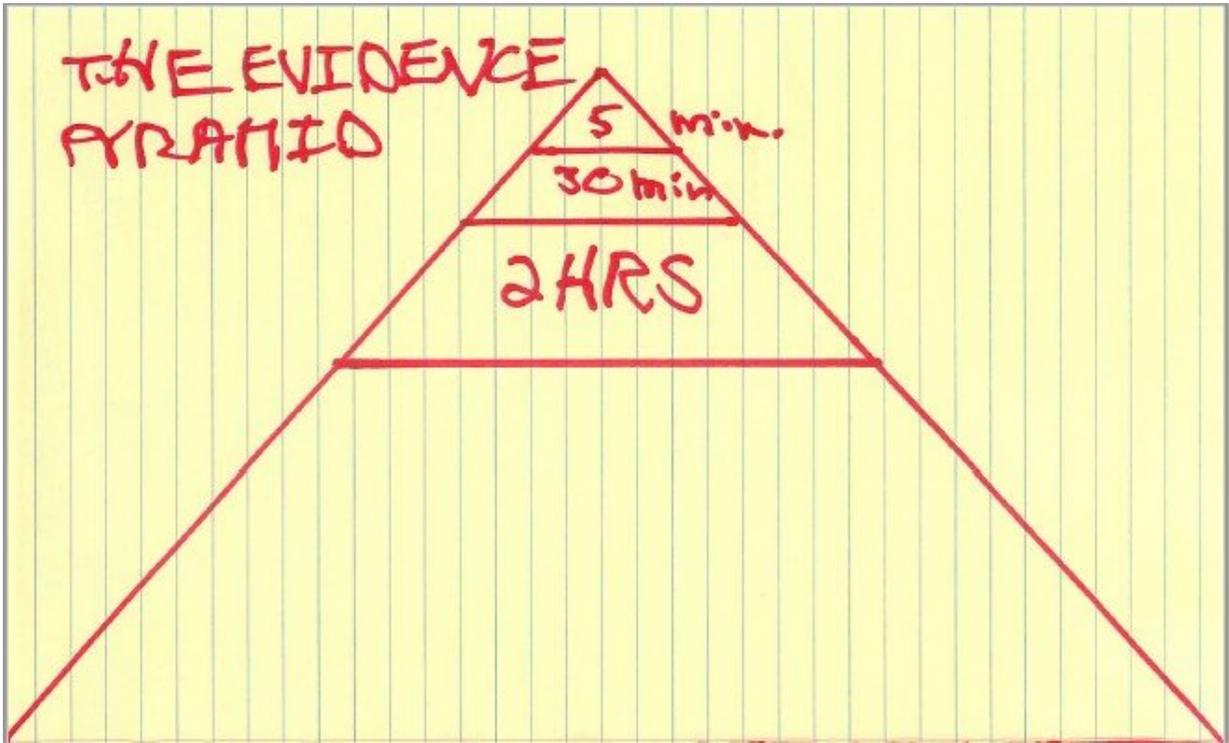
"Collaborative law, also known as collaborative practice, divorce or family law, is a legal process enabling couples who have decided to separate or end their marriage to work with their lawyers and, on occasion, other family professionals in order to avoid the uncertain outcome of court and to achieve a settlement that best meets the specific needs of both parties and their children without the underlying threat of litigation. The process allows parties to have a fair settlement. The voluntary process is initiated when the couple signs a contract (a "participation agreement") binding each other to the process and disqualifying their respective lawyer's right to represent either one in any future family-related litigation. (emphasis in red added.)

The collaborative process can be used to facilitate a broad range of other family issues, including disputes between parents and the drawing up of pre and post-marital contracts. As the traditional method of drawing up pre-marital contracts is oppositional, many couples prefer to begin their married life with documents drawn up consensually and mutually."

I hope you'll not click the hyperlinks yet. They are for background. I'll try to be concise:

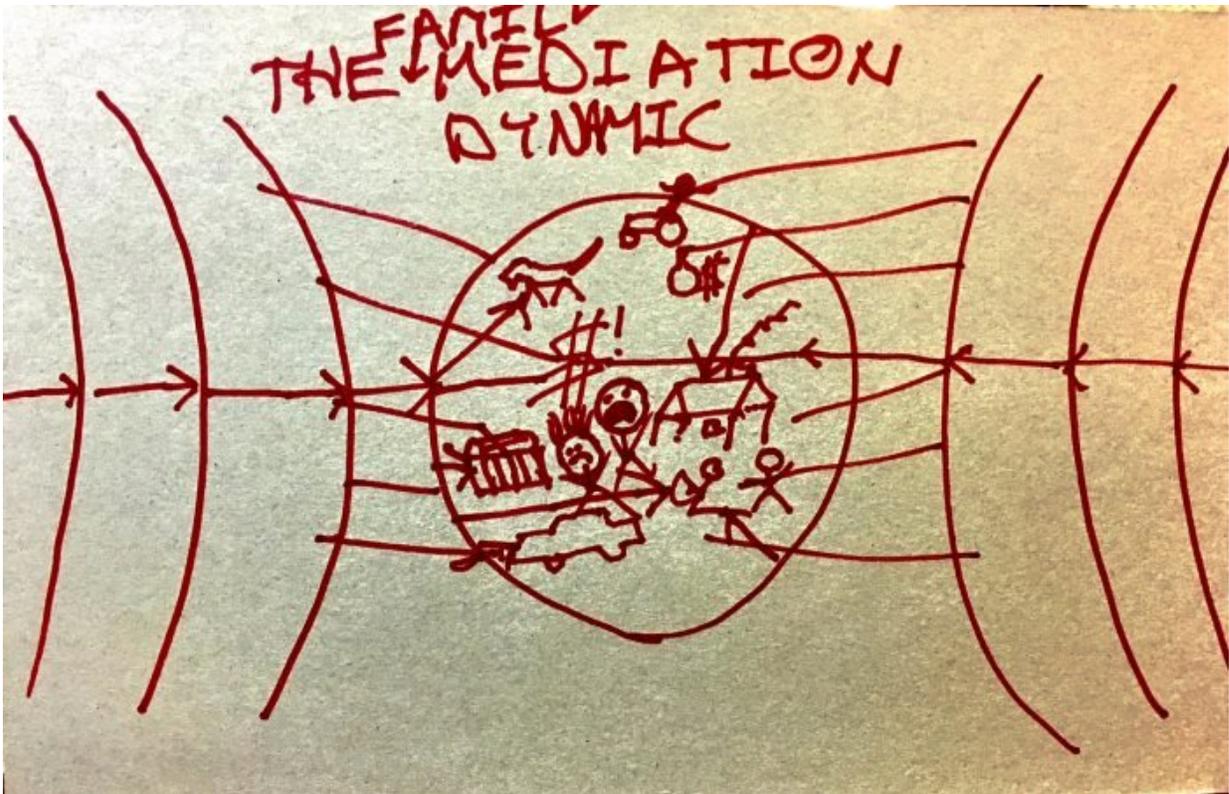
1. The "Achilles Heel" of collaborative divorce has three components:
 - a. The lawyer who may have thousands of dollars wrapped up in pleading and preparing his case for the collaborative session (which should in my opinion be the same work as preparing for a mediation), **must give up the case if the collaborative negotiations fail!** More on this below.
 - b. The collaborative lawyer will become irrelevant if the collaboration fails. It is his or her work upon which the litigator must build if the case has to be tried! Thus the foundation for a well-tried case may be shaky. And it will cost A LOT to pay two lawyers to prepare. A good mediation always prepares us for trial. Cannot imagine trying a case in which I didn't attend the mediation.
 - c. Collaborative Divorce, even if it is a sound idea, will take a "legal generation", 10 years or more, to convince half of of WV family lawyers and judges to use it. That's a lifetime in today's era of "accelerating change". Surprise! I like my ideas better.
2. We have been doing the core parts of this process, at reasonable cost, in North Central WV (**thanks largely to Family Court Judge Robert Reed Sowa**) for at least ten years!
3. **A simple divorce can be negotiated** , often with a mediator.
3. **But what of the tough cases?** Bitter enmity, jealousy, abuse, alcohol, drugs, or MONEY? See below my illustrative chart of the dynamics of a serious mediated divorce case.
4. **This pyramid is a chart I show my clients** of how to gather the mass of information, e-mails, bills, accounts, texts, photos, property lists, budgets, witnesses, exhibits, issues, and questions":
5. **Contrary to the simple, linear, model of a mediation** where there is one major issue, "How much money will the insurance company pay my client, **here below is my model for mediation in a hotly contest or emotional divorce:**
6. Why is it tragic to have the lawyers who almost but not quite fail in a collaborative divorce to hunker down to try the case? It's simple:

Note: it takes real skill to distill hundreds or thousands of facts into a 5 minute (oral) or 30 minute (written) summary.



And here are some of the issues that mediation and collaborative divorce need to deal with:

[3]



a. Building rapport and trust between lawyer and client is tough. Especially when I represent the disadvantaged party, in size, money, or history of abuse, that client, in my humble opinion must know that rational, reasonable, thoughtful, compassionate lawyer who helped her/him through the collaborative process, **CAN KICK THE OTHER SIDE'S ASS.** A good lawyer can empower the otherwise weaker party.

b. And the other side must know it too. If there is little bit of "wild man" in you; if the other side knows you have a reputation for trying cases hard and well; if they have heard that in some cases, the bill is thrown out the window (don't tell a soul that one); and that they may win and still have to fight an appeal for the next two years, there is a better chance that case will settle.

c. I can envision the scenario where one party has money, perhaps from a wealthy paramour or well to do family, and the other has very little. She borrowed, begged, or stole funds and gambled on a successful collaboration. Now it is on the brink of failure, and she has to say goodbye to the trusted advisor and turn to an expensive "Have (legal) Gun Will Travel" "hired gun" who will have to learn everything the first lawyer was paid to organize and learn.

d. So, what will she/he do? "Cave" of course! Accept something she does not want, not because it is a fair deal but because the collaborators, the counselors, and even the Court, by sanctioning such a procedure, are pressuring her/him to do.

And, believe it or not, lawyers are people too. They may be trained to negotiate and collaborate, but **they simply may not be able to communicate.** Do they now bring in a mediator as a buffer? Why not just mediate? Mediation has a high success rate when done well.

I do not have time or space to reiterate my solutions, but I suggest you search my blog for "mediation", "unbundled legal services", "guardian ad litem", "divorce", "parenting plan" or "property settlement agreement" or "irreconcilable differences".

I will keep an open mind and learn more, but to say I am skeptical is an understatement.

1. <https://m.huffpost.com/us/entry/5318672>

2. <http://hunterlawfirm.net/wp-content/uploads/2018/05/The-Evidence-Pyramid.jpg>

3. <http://hunterlawfirm.net/wp-content/uploads/2018/05/MediationDynamic2.jpg>

5.7 April

E-Mail Pitfalls and Opportunities (2018-04-27 20:47)

I am impatient. I do not understand the lawyer who will dictate a formal letter, scan it, and fax it, or, God Forbid, "snail-mail" it! I still send letters, but I prefer a quick note, or even a substantive communication, typed in short, numbered, paragraphs, in the moment, and sent on its way. There are risks and benefits to such an approach.

Here are some:

1. Remember how your Mom taught you to "count to ten" when you are provoked before speaking? Great ideas I read biographies of great men who dictate or write an angry letter, only to file it away, never sent. My best advice is show restraint but have some guts. Innovation, decisiveness, and clear writing are three things I use to represent my clients well.

2. I have provoked anger and misunderstanding with a hastily fired off e-mail. A smiley face or frown icon is not enough. And, remember, the recipient may be reading your note on a 3 inch screen!

3. Thus, I try to breath deeply 2-3 times, spell check, and his "send" only when the benefit outweighs the risk.
4. Beware the dreaded "auto-fil". Outlook may guess wrong, and you've sent a confidential e-mail to the wrong person. A polite request please to delete, and delete from the refuse bin invariably gets a positive response. But, the risk is very real.
5. Be aware who the other party copied. ALWAYS remember to declare it "confidential" in your "signature". I once got an e-mail from an ally about a mistake opposing counsel had made. After making a "flip" remark about how dumb he was, I was startled to see that our opponent was on the receiving end of it. It colored the rest of our relationship in spite of a sincere apology.
6. If you "blind copy" your client or third party, remember that person may "reply all", to your embarrassment or worse. Remember to warn your clients not to do this.
7. E-mails promote candor, but we sometimes have a false expectation of privacy. Counsel can sometimes speak very candidly to one another, assuming the other counsel will be a bit discrete. We are not robots, and sometimes, venting or even anger, arises. But, in the context of e-mail, always be aware that your recipient can "forward". A few lawyers simply have a rule that all such communication is forwarded or blind-copied to their client. Oh how I would love to get back 3-4 such e-mails.
8. Yet, I receive and send thousands of e-mails. Some days, when a client is in crisis, we can go back and forth a dozen times. But, I am a family law, personal injury, and civil trial attorney.
9. My advice is do not set your e-mail to say, "I am out of the office and will be back Tuesday." Clients have learned to expect more of you. They hired you, you hope, because they heard that you care about them. Be accessible. Answer as soon as you can even on week-ends and vacations.
10. I copy my staff in my e-mails. The paralegal in charge, our time clerk, and our billing and office manager. All must know what's going on. To reduce clutter, I often blind copy the latter two.
11. I have a "Dear Client" letter for the client on the day they retain me. I explain that I bill for incoming e-mails (if asked to audit, I add the "sent" e-mails for completeness). I urge the client to save minor questions and send in a numbered format, one or two lines per items. I stress that conciseness is important, and long, rambling, e-mails are hard to absorb, hard to summarize for the court, and hard to read on a screen.
12. I give the client a method to collect the "puzzle pieces" or "objects" in their cases; the people, documents, organizations, places, events, and physical items that make up their story. I give them a kit with instructions and folders and fill in the blank forms, so they don't have to write me ten times a day.
13. When I get a really "chatty" client, I gently remind them of the impact on their bill, and when a client goes rather silent, I remind them I must be kept in the loop. Sometimes they decide that if they write only the paralegal, perhaps that will save money, but we gently guide them to include us both so that she does not have to take the extra step of forwarding it to me. It is an ongoing and constant process.
14. Clients sometimes say, "That e-mail cost me \$20!"; or, "It didn't take six minutes for you to read and reply to that e-mail." My answer? "Often it does." At other times, they are paying for 3-4 people to read and process the request. I explain that usually I reply to the e-mail but don't charge for "sent e-mails". It is a great way to "keep score", and a great way to maintain a narrative of my services.
15. There is a balance. I send and receive many more e-mails than the average lawyer. It helps me and my opponents understand one another. It permits the client to know she/he has been heard, and it supports my goal of moving a case to a successful conclusion. For me, e-mail has largely replaced "memos for the record", a snapshot of each stage of a case and written confirmation of the advice given.
16. I am not ready to move to texting and instant messaging as a form of business communication. I hope the e-mail era lasts. It is an invaluable tool. But like any powerful tool, use it wisely!

Brand New WV Custody and Alimony Law (2018-04-08 19:40)

Note to my readers: I apologize for the limited nature of this post, but it is the end of a long week, and I need time to digest these major revisions to West Virginia's Child Custody and Alimony Laws. This is a first impression.

I am told that Senate Bill 51, which you can Google, has been signed into law. I don't know when it goes into effect.

I reserve personal judgment on this law, which will impact the majority of my work days so long as it is in effect.

The revisions are to WV Code Article 46, Chapter 6, Section 301, and 48-9-205 and 48-9-206.

Things I notice immediately: I do not see "inequitable conduct" as a ground for increasing or decreasing the amount of alimony. There are 18 other factors which seem to be the old ones, length of marriage, incomes of the parties, health of the parties, age of the parties, etc. But, Para. 20 allows the court to consider, "...any other factors the court determines necessary or appropriate to consider in order to arrive at a fair and equitable grant of spousal support and separate maintenance."

That seems to leave the door open to a court who deems infidelity or spouse beating to be "necessary or appropriate to consider".

On the custody side, I consider this to be a big win for the "men's rights movement". The requirement that the court consider the apportionment of "caretaking functions" performed by the parents or third parties (grandparents, day care, etc.) prior to separation is gone, as is the provision that temporary arrangements entered into after separation but before suit is filed cannot be considered by the court. Now, apparently they can.

It does seem to elevate "best interests of the child", which seems like a good thing, but my guess is, "the devil is in the details".

This law evaded my radar even though I am on the WV State Bar Board of Governors, the Family Law Committee, the Family Court Mediation Subcommittee, the Future of the Law: Technology Committee and The WV Association for Justice Board of Governors.

I did track two prior bills; one I labeled the "One Size Fits All and the Children Can Go to Hell" bill; the other was the one that favored, "the parent best able to involve the other parent in the life of the child".

I tried to paste the urls of those articles here, but the full preview of the site appeared. So, just go to www.hunterlawfirm.net hit the tab to search my blog and enter "custody"; you will find 67 articles including the two listed above, plus "The Maze of Child Custody in WV", which will now have to be revised. (Drats!), and my "Winning Your Child Custody Case" and "Winning Your Custody Case II". The last two define "winning" as involving the other parent and learning to co-parent as the definition of "winning".

This new law has that language about involving the other parent, so something has been in the works for at least the last 2-3 legislative-sessions.

Any lawyer who has paraded family, friends, teachers, doctors, neighbors, and hired shills (no I never hired any), to lie (I mean testify) to the incredible, sensitive, attentive, and competent parenting skills of their

client, won't miss day-long hearings on the percentage of caretaking functions testimony.

But, since the history of parenting still has relevance, it may be wishful thinking that we can avoid those days.

I think that the ability of parents, primarily mothers, to move to another state with the children will be impaired because I did not see the former provision granting a "presumption" to a parent who already was awarded "the substantial majority of caretaking", which was defined as 70 % or more of the child's overnight time. This could have a huge adverse impact on women.

It seems like an artificial standard, as are the rules of baseball. But, giving that parent the presumption, and denying it to parents with less than 70 % provided some predictability which may soon be lost.

I am going to post this quickly and copy it to one of the co-sponsors and authors of the bill and see what he has to say. I have removed his name from above and will attribute only if he says it is ok. I believe he worked hard to moderate the bill which might have had "Draconian" impact on WV child custody.

But, as a guy who represents mothers and fathers, my simple preliminary conclusion is that the old law was not perfect, but it did tend to favor the nurturing "hands-on parent", and value those hands-on moments better than "bringing home the bacon", protecting the house from intruders, and playing with the kids when it was convenient.

So, over the last 40 years, we went from the "presumption" in favor of mothers, to the "primary caretaker rule", which also favored mothers more often than not, to a consideration of "caretaking functions" during the two years prior to separation, which also tended to favor mothers, to this new version which I believe will be used by its proponents to say that the default should be co-equal, 50 % - 50 % caretaking. If that's the law, so be it.

I will play that card for my male clients if they truly believe 50 % - 50 % is best for their child and are committed to being a caretaker. (Caveat: remember, "Be careful what you ask for.; you just might get it!") And I will fight like the dickens for what we used to call "the 90 % mother", staying at home, loving, conscientious, and devoted.

Most of all, I hope that the best interests of the children will be the top priority. My biggest worry is that this will become known as the, "Girlfriends and Paternal Grandmother Custody Law."

They say, "If it ain't broke, don't fix it." I wonder if that maxim will apply to this new law. I suspect it will have ramifications way beyond what I can tell from three quick readings of this law.

I am also told a formula of sorts, like the one used for child support, will be used in the future to calculate alimony. That's is something that has long been needed.

I will update this as information becomes available.

5.8 March

My "Law Coach" or My Lawyer? (2018-03-26 18:41)

Unbundled Legal Services

"My 'law coach' or my lawyer?" It this a trick question? Not really, but there is a difference. Let's say you have a divorce or custody case; or, that you, or you and your estranged partner, just want some guidance and help in getting through your legal problem. What do you do?

Repeat after me: **"You should not be your own lawyer** if you can possibly afford to hire a lawyer to represent you!"

If you've read any of my stuff, you know that's a theme I harp on. But, I recognize that some people simply cannot afford "record counsel", and some are skeptical or even a tad arrogant or ignorant of the perils of self-representation. I have a product for these folks. I call it "unbundling of legal services". Some lawyers are not ready to venture into this area, but, with my 46 years of experience, I have posted 350 blog articles, over 1200 pages. Many of them constitute tutorials or templates for things every litigant should know. That is a rich content resource that I can guide you through. I do not accept "canned" or "guest" blog articles.

"Unbundling" sometimes has a component of "ghost writing". A proposed parenting plan, property settlement agreement, final order, or petition or counter-petition, is not that hard to do. A "ghostwriter" can do them "on the cheap" if the author is not also becoming your record counsel. It is not representation, but it helps you "ante up", like in poker. The "Family Court Rules" require the filing of certain key documents. Your "coach" can help make sure they are "up to snuff".

We try to provide the party who just cannot afford any more than \$500 at least \$1000 worth of information and training in "the rules of the game". I accept a reasonable number of follow up calls, and, so long as you haven't screwed up your case too badly, I will often remain available to be retained.

For the skeptic, I try to show the risk benefit of hiring me for full representation. Perhaps 50 % of such clients eventually hire me, getting credit for the first \$500 payment. And, for those who do not, it's the same rule. I may be willing to take on the representation if you have not screwed it up too badly. Warning, the original quoted retainer may no longer be possible if you are trying to undo an adverse ruling or development.

We have handouts about how to involve the other party in the lives of the children while looking good to the Court, how to enforce your agreement, and how to negotiate a divorce settlement. We have informational articles on equitable distribution, alimony, custody, retirement benefits, essential insurance coverages, a "legal check-up", mediation, and myriad other topics. So, if you can't hire a lawyer, consider paying "a law coach" for a good, but more narrowly defined, product. It's certain to be better than "Zegal Zoom" or "AVVO".

Self-Represented Mediation

While no lawyer can represent both sides, a trained and experienced mediator can meet with both parties and draft a variety of documents, agreements, parenting plans, and even pleadings. He/she must meet ethical standards, but for parties who have differences, but not severe dysfunction, this low-cost option at least allows you a full veto, while a contested hearing does not. There is no agreement unless BOTH parties to mediation sign and the courts approves there agreement.

The concept of self-represented mediation is the same as "unbundling of legal services". It is a way to get quick results, if not perfectly tailored, while keeping many options open if things turn nasty.

Please call, 304 472-7477, or write, hunterjb@hunterlawfirm.net , if you have any questions!

You Aren't Going to Mediation! (Now what will you do?) (2018-03-21 20:41)

This article is aimed primarily at family court lawyers, but lay people may benefit.

Let's keep something in mind. Personal injury and civil mediation are different from family mediation. People are representing themselves in family court perhaps 70 % of the time and somehow surviving. There are mandatory forms, parenting classes, and a form of "one size fits all justice". I do not recommend it, but it's happening.

I have dealt with self-representation (pro se) in family court elsewhere. Short answer, "Don't do it!" [1]<http://hunterlawfirm.net/s=%22self+representation%22+or+%22pro+se%22>

Circuit Court is no place for the self-represented (pro se) litigant! Danger lurks there. It is more formal than family court so even more problematical.

So let's focus on family court. Under what situations will family court litigants not go to mediation? Here are some examples:

1. The Family Court does not send them, or the Court's "Case Coordinator" screens them out. It happens all too often.
2. The parties can't afford mediation but don't qualify for free mediation.
3. The parties are litigating in a part of the State where lawyers do not typically mediate their cases.
4. Or the litigation is in a part of the state where parties' lawyers tend not to attend mediation!

I am a strong proponent of mediation in family court and civil court and am sorry it is not used in other kinds of cases. But what if it just is not going to happen? Let's consider negotiated settlement, especially face to face settlement meetings:

1. Court mandated face to face settlement meetings can be powder kegs. Family Court "screens for mediation" but not for these much more volatile and dangerous meetings! Judges should be made to watch some of those fiascos!
2. We family law lawyers who mediate a lot tend to lose our appetite for "face to face". Guess we are "spoiled".
3. Even in mediation, we tend to caucus before the initial greeting and send the mediator back and forth. But, if there is no mediator, what to do?
4. I suggest to my colleagues that in those cases we need to sharpen our negotiating skills.
5. I find written offers back and forth wasteful and unproductive.
6. But, the era of meeting with the client, dictating the offer, typing it up, affixing a stamp, waiting for the pony to deliver it, making an appointment with the client, reviewing the offer, dictating a response, typing it up, affixing a stamp, and sending the pony back, is over. Those were dark ages for written negotiations.
7. Now we can type the offer with the client present, copy the client, and perhaps send offers and counter offers 2, 3 times in a day. For the right parties and the right lawyers that can work, but the old model was broken and is outmoded. It took weeks to do what we can do in mediation in an hour.
8. If we are going to meet and negotiate, we must get new tools and sharpen the old ones.
9. Read, read, read, how to negotiate. And attend continuing legal education. It is a skill we can learn. It is a skill we can polish. If you do not train to learn to negotiate, you will be terrible at it.
10. Somehow figure out how to make your case w/o alienating the other side.
11. Do not overreact, especially if the other side is ham-handed. Many lawyers became lawyers because they were born ham-handed! From my experience with younger lawyers, I fear they are teaching truculence in law school.
12. If you are easily intimidated, this line of work may not be for you. There is no bailiff, and bullies exist. I am not a bully, but bullies don't affect me. That's a strength, I hope. There are good women negotiators. They can deflect and shame the bully. The best of us use what God gave us.

13. Be prepared! Here are some ideas:

- a. The Family court rules require full financial disclosure and witnesses and exhibits. Share and bring your documentation!
 - b. Printed balances of all monetary accounts, at time of separation and now.
 - c. Printed balances of all unpaid financial obligations, then and now. Documentation of bills you have paid.
 - d. Have printed values of all retirement plans, pensions, IRA's, 401 K's, profit sharing.
 - e. If it is "defined benefit" plan, meaning it does not have a balance but has a "present value" based on actuarial principles, see if you can get that present value from the "plan administrator" or a forensic accountant. Family businesses often are worth little beyond the income the owner takes.
 - f. If there is a family business, you have work to do figuring out its value or be prepared to sell the assets and divide the proceeds. You may need to hire a business valuation expert. In that event, you had better have a lawyer and had better budget for mediation! I like to propose to share the cost of appraisers and use one for each kind of property instead of two. Real estate, personal property, and businesses are three kinds of appraisers. Perhaps an auctioneer.
 - g. If alimony is an issue, identify the factors, from the 20 enumerated by the statute, that impact the length, amount, and nature of the alimony. Fault is only one factor.
 - h. Find a formula, Judge Goldberg's, the Va. formula, or something that you can hang your calculation on. If your judge uses a one, you better find out which one and prepare.
 - i. Come to the table with constructive "win-win" ideas. That is essential.
 - j. Be wary about separating the parties and walking back and forth. Your client can imagine all manner of nefarious sell-outs going on in that other room. She/he is thinking, "You are letting that bastard/bitch 'snow you' ". I have learned not to do it.
 - k. Have the tools to create the documents, the Property Settlement Agreement, Parenting Plan, and Final Order. I use document assembly software that is compatible with Microsoft Word, Pathagoras, to "fill in the blanks" and print near final drafts. You should too!
 - l. For custody issues, you must know how to calculate child support, carefully prepare caretaking functions worksheets for the one and two years prior to separation, have the children's medical records if relevant, and have a detailed list of concerns and goals. It is imperative to have a good parenting plan template.
 - m. Again, if there are abuse issues, substance or domestic, serious alimony issues, or substantial property or debt, why are you there without a lawyer? You are over your head!
 - n. If lawyers did these things, many cases would not require a mediator, but a good mediator can smooth the bumps, keep abrasive lawyers apart, filter the insults, and even insist on taking breaks to obtain more facts, online or by phone.
 - o. Mediators can make up for the faults of the litigants and their lawyers and they can become an ally of the lawyer in helping the party assess risk benefit. Good lawyers and mediators NEVER put undue pressure on a party.
 - p. **IN SUMMARY** , well prepared litigants with positive attitudes, and competent lawyers with negotiating skills are perfect compliments to competent mediators. Together they can be a power team in achieving a negotiated settlement.
- So, mediate, mediate, mediate, but if no mediation, learn how to negotiate! Where possible, hire a good lawyer!

1. <http://hunterlawfirm.net/s=%22self+representation%22+or+%22pro+se%22>

2018: Mediation Tips Revised (2018-03-07 23:59)

KEYS TO A SUCCESSFUL MEDIATION: Fundamentals of Mediation

Editors Note: This rambles a bit, so I have highlighted some keys in bold red.

I sometimes forget how little the average litigant, and even judges, know about mediation. There are no riveting serial television dramas starring a team of courageous mediators. Although my wife loves “Bull” a dramatic series about a courageous and brainy jury consultant.

By rule, judges may not even be told what goes on in mediation, so here are some insights for them and you. I mediated a case successfully yesterday, but I made a rookie mistake. I thought I got an offer to take to the other side, but they were holding back, and I missed it. That faux pas set us back but did not derail the mediation.

When I went back to that side believing we were only \$9000 apart, we were really \$15,000 apart. I had misunderstood the first side’s settlement position. That was embarrassing, and it was harder to get to the compromise number. I also showed the famous “Burt Hunter pique”, and that’s not a good thing. We live and learn.

However, I kept one principle in mind, and that led to the settlement, always try to the number of disputed issues. It was a divorce division of property and debt mediation. We started with twenty variables, but one attorney had produced an outline that allowed the parties to stipulate to ownership and values of more than half of them.

We worked hard for an hour or so on various values, and the BIG issue, whether 3 of the assets were partially or all marital assets or separate. Separate assets are ones a party owned before the marriage, had received by gift or inheritance from someone outside of the marriage, or was separate because it was a personal injury settlement.

Another key to this successful mediation is the lawyers remained engaged, cordial, and collaborative throughout the negotiation. And, one lawyer had a “hard stop” requiring his attention, so negotiations got serious an hour or two earlier than they might have. That’s probably a good reason not to leave a whole day for a routine mediation. We tend to fill the time we have available. But the lawyer and party who does not have a “hard stop” keeps options open.

When we got down to 3-4 variables, I suggested the other side turn it into a cash demand for “equalization” of the equitable distribution. That means that even though the parties did not agree what the family residence was worth, how much of the equity one of the parties had a claim to, and what the reconstructed vintage automobile was worth, we had reduced the dispute to one issue, money.

When we got to two numbers that were close enough that it would cost the parties more to litigate the issue than to compromise it, we were almost there. It wasn’t close enough to “split the difference” but almost.

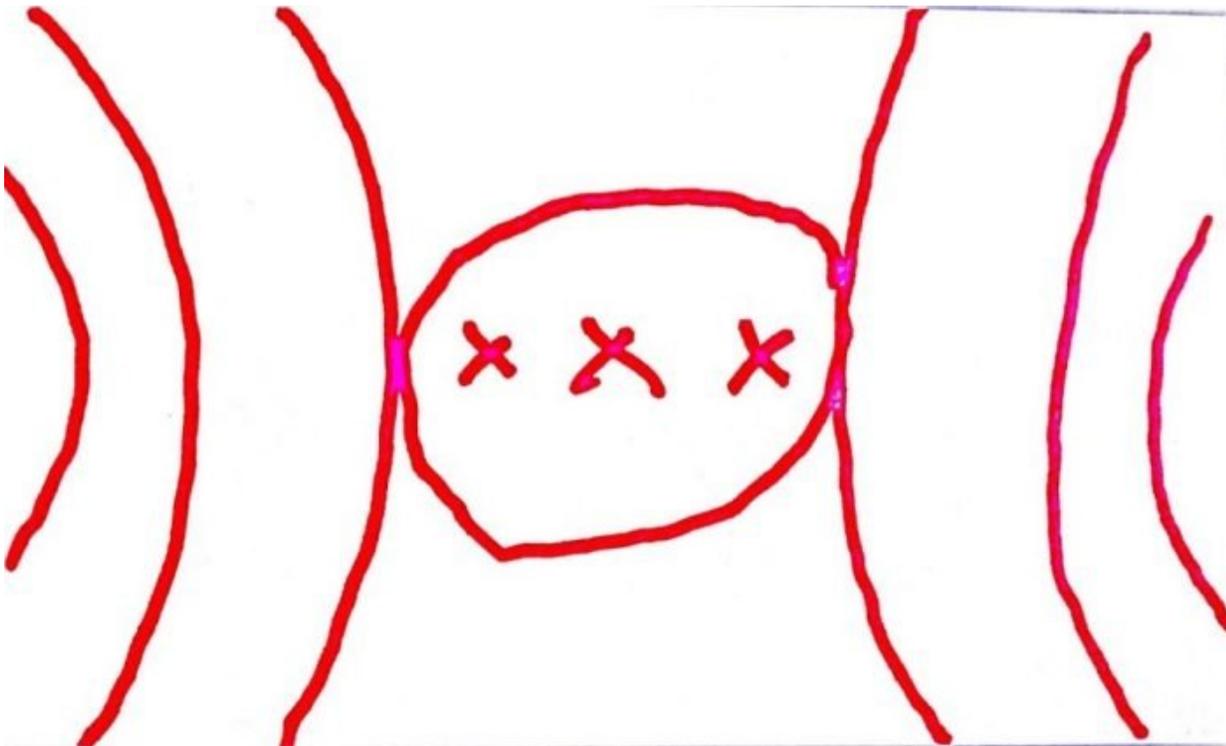
One party used a technique that could have derailed our efforts but was smart enough to abandon it when necessary. My recollection is I learned that technique from “Getting to Yes – Negotiating Agreement Without Giving In” by William L. Ury. I read it the first time in the late ‘80’s. That technique, as I remember it, it to have a beginning offer, a fallback number, and a bottom line. That won’t work in Family Law negotiating for two reasons:

a. Sometimes there are 20-30 issues, so offers must be innovative and fluid; and,

b. For at least a decade, I kept coming back from mediation having accepted less than my “bottom line” and I could not figure out why.

I eventually learned why from WVU College of Law Professor Tom Patrick who showed us a graphic similar to the one below. The curves at the outer edges of the page are each party’s starting position, the second line is the fallback, and the third is their “bottom line”. As I explain to my client, it is the circle in the middle that contains the tough territory, the place neither party wants to go.

[1]



But, in most instances, each party must go somewhere in that circle to reach agreement. It might be dead center, but it might be closer to one party’s “fallback position” if that is the more reasonable position .

Remember, both parties might not be starting from a reasonable position. Sometimes my client’s real desire is so close to the likely result that we must create an illusory first demand to get there. No one likes to think he or she must meet the first demand of the other party. Bad negotiators arrive, state their position, and never move from that position throughout the day. Such mediations are doomed to failure.

I go into mediation knowing my client’s concerns and goals. I have talked about my information gathering techniques in a recent post: [2]<http://hunterlawfirm.net/digging-2018-short-sweet/> .

My “regular mediators” sometime ask to look at “Mr. Hunter’s top ten lists” , knowing that I have had them make numbered lists of their worries, goals, and complaints about the other side. These lists are helpful in that they let me give the mediator and the judge concise summaries of the issues in the case and our positions. But I do not go into mediation with three pre-conceived offers in mind. The reason I don’t is I do not know what the other side is going to say or reveal. Two examples:

a. I once went into a BIG personal injury mediation with a chip on my shoulder.

The other side, in a seven-figure case, dragged their feet so my clients could not the original limited liability limits of \$20,000 per person prior to Christmas, adversely impacting their, and my, holiday. (We were dealing with the underinsurance carrier at mediation).

The mediator, a friend, took me aside and cautioned me to tone it down (there’s the famous ‘Burt Hunter pique’ again!) because the other side had found a letter from my client’s doctor in her medical record which severely compromised her claim to have been in good shape before the collision. That letter probably cost us \$200,000 which we had to concede to make the deal. Fortunately, but it was still “seven figures”. Had I to do it over, I would have not started on a “high horse” because it was somewhat embarrassing to have to climb down from that horse.

b. In another case, I fully intended to get my client \$50,000 for a hip injury. His hip had been “frozen” for 40 years from an infection related to tuberculosis when he was 13 years old. A side impact auto collision “unfroze” the hip, leaving rough joint surfaces to run and become inflamed. Within 60 days he was required to retired from his trade as a barber. Before the planned mediation, I got a call from the other lawyer.

We had signed a release for him to get my client’s social security records. During the initial Social Security exam, my client had, under oath, sworn that he had sustained “no serious injuries” during the five years before he filed his disability claim!

When I asked him “Why?!” , he answered, “I thought if I told them the truth, they would deny my disability claim.” Having established without doubt that my client would lie for money, we had no choice but to lower our demand.

Neither of these cases would have settled if we had rigidly stuck to our preconceived ideas.

My point is that until mediation begins it is hard to understand the other side’s position, argument, and facts. I have come to mediation of one mind and left knowing that I would never have wanted the judge or jury to hear that case. More often, the compromise was predictable, but mediation is still necessary to get the clients to a position where they could settle.

Finally, a family court judge who had been a magistrate most of her career admitted to me, “I have never attended mediation.”

Another judge bragged, “In my 20 year career, I never went to mediation with my client.” I respected

the first judge, for her candor and for the fact she simply had never had the opportunity.

The second judge, not so much. She had just proudly admitted to sending her client to negotiate her own case! To me that is both malpractice and a wasted opportunity!

This is the common, if misguided, practice in other parts of the State. In North Central WV, we know negotiating is an acquired skill that requires study and practice to achieve.

Final tips: prepare and educate your client, listen, advocate, argue, but remain pragmatic and flexible, and most cases will settle!

1. <http://hunterlawfirm.net/wp-content/uploads/2018/03/mediationtips.03.08.2018.jpg>

2. <http://hunterlawfirm.net/digging-2018-short-sweet/>

Digging Down 2018 - Short and Sweet! (2018-03-07 19:39)

Digging Down 2018: Short and Sweet

Here's the deal. Whether you have a lawyer or not, you probably will get some forms that are mandatory for your case. Take them seriously. The authors of the forms know you probably won't read the law or rules, so, with luck, the forms can guide you to providing the right information.

For most matters, you will much better off if I represent you, or you at least pay for a "robust consultation". Right now they cost \$500 and can lead to full representation. You get to decide.

"Mr. Hunter, what tool can I use to gather and organize the facts of my case?"

The Three-Legged Stool

If you are up for "the long version", here's the link: [1]<https://wp.me/p4utce-13y>

The three essential legs or pillars:

1. The "Object Lists" ; that is the collection of puzzle pieces that make up your case:

a. People;

- b. Documents;**
- c. Places;**
- d. Events;**
- e. Organization;**
- f. Physical Objects; and,**
- g. “Other stuff”, that make the pieces of your puzzle.**

2. Burt’s “top ten lists”. These aren’t the puzzle pieces. Each list has a title, “Things I want to tell Mr. Hunter.”; “Questions I want to Ask Mr. Hunter”, “Goals for Mediation”; or “Grievances I have about the other party.”

3. Each time you have a question or idea pop in your head, start a “top ten list” and give it a pithy title. I think of these lists as “memory ticklers”. They are essential, but the “objects” are the puzzle pieces.

4. The Timeline, or chronology: The other two legs, Object lists and Top 10 Lists, provide what you need to create a concise, complete, timeline. Give your lawyer a good timeline, and he/she can tell the judge or jury your story.

5. Our “Organizing Kit”, accordion folder, preprinted fill in the blank forms, and timeline template is what you need to bring to your lawyer, or his staff, the essential material they need to represent you properly.

1. <https://wp.me/p4utce-13>

2021 Revised: Digging Down - On Organizing and Preparing Your Case (2018-03-07 19:24)

INTRODUCTION

First; in the interest of time and copying, I provide here a link to the PDF version of this article, especially the fill in the blank forms: <http://hunterlawfirm.net/wpcontent/uploads/2016/12/hunterlawfirm-get-organized-forms.pdf>

This is not theoretical. It is how I begin a case, size up a client and my adversary, gather facts, organize, prepare, and resolve. If I were a "writing roofer", I would tell you how I get that roof to be attractive, durable, and shelter from the elements. This is the same thing. "This Old Lawyer" instead of "The Old House".

My plan is to explain this method in detail, to provide some ideas for conducting a “new client interview” and “follow up interview”, to provide insights into how I approach mediation, and to provide some insights into how

I use the organized information for a trial or contested hearing.

My method uses some basic forms so the client can save money by collecting the puzzle pieces himself or herself.

THE BASIC CONCEPT

(Object Lists, Top Ten Lists, and The Timeline)

Mankind is a story-telling species. We love to share stories. Most of us are not trained in the law or the presentation of evidence, so it does not come naturally to gather it and provide it to your lawyer.

And some of us are not very good storytellers. We ramble, digress, and lose focus. My job as a lawyer is to channel the energy and turn it into something understandable to the court or jury.

In preparing for a contested trial, hearing, or even a mediation, we need a method to gather facts and a plan to organize and prove them. And, as questions and concerns pop into their heads, we must have a method for recording and cataloging them. That's where "Burt's Top Ten Lists", below, come in handy.

THE INITIAL INTERVIEW

When I first meet the client, she/he wants to give me a narrative (the story), and sometimes he/she becomes a bit impatient, or offended, if I don't let them tell it.

I ask them to trust that I have learned some things in 40+ years. I explain that I must ask essential questions before it even becomes relevant for me to learn "the story". This allows me to absorb "the story" in digestible bites.

Occasionally, the client turns it into a power struggle. Very occasionally the client makes me realize I do not want to represent that person. So be it. Better to part then than later.

Another indicator is whether a potential client has bothered to fill in our intake forms. Once I confirm they are of normal intelligence and literate, I carefully explain that working with their lawyer is just that, WORK.

It is the client's life, and I need to know she/he is ready to help me gather the facts and do the job to protect them and their family. Some people simply are not willing to make the commitment in their own case. Others are simply are not able, and they deserve our concerted attention too. I prefer the client who is ready to become a willing partner in the endeavor.

MY METHOD

The "three-legged stool" of organizing your case has these components: (Please memorize!)

I. Object lists:

II. Burt's "Top Ten Lists"; and

III. A timeline.

Simple, right? Not at all, but if you take it a step at the time, it is manageable.

OBJECTS, AKA PUZZLE PIECES

Here is the simple part. Objects are the pieces of the puzzle that is your case. Gather and sort them, and the picture appears. Objects are the people; documents (paper and digital); photographs: places; events; physical objects (the knife or brick); and, every other “thing” that will be included in a detailed narrative of the parties and their dispute.

Objects can be the people who know the facts, the potential witnesses. Other puzzle pieces are the personal property (moveable items) and real property (land, houses, and commercial property, the debts, the parties’ income, the retirement benefits, the credit card debt, medical bills, debts on property, and the pre- and post-separation budgets of the parties. All those pieces must be present for the Court to “picture” the case.

In a personal injury claim there are witnesses to the collision, an investigating officer, emergency personnel, photographs, the accident report, cell phone records, medical bills, medical records, journals, lay witnesses who know my client well, expert witnesses, and myriad other “puzzle pieces”.

In a real estate dispute there are deeds, wills, deeds of trust, angry neighbors (or siblings!), aerial photographs (now usually Google Maps),.....you get the point. Every case involved important information, in more pieces than you think.

“BURT’S TOP TEN LISTS”

Top Ten Lists can be more, or less, than ten, but each list pertains to one category. They are my clients’ questions, worries, goals, complaints about the other party, and wishes. They are the memory ticklers, the checklist.

The mediators who work with me sometimes ask, “May I see your list?”, because they know my client and I will show up at mediation armed with our lists, so we can check them off and not leave mediation without addressing every important issue.

Some clients never run out of questions. I answer them, but I also say, “Be sure to put that down on one of your top ten lists”. These “memory ticklers” are the checklists which help drive our preparation. They and the “puzzle pieces” merge to tell the story and complete the timeline. Remember, “object lists “are different from “top ten lists. They are the people, documents, e-mails, texts, physical items, places, events, and organizations that populate the facts of every case.

TWO RULES FOR MY “TOP TEN LISTS”:

Put a title on the top of each list! E.g., “Why he is a terrible parent?”, or, “What do I want from this mediation?”, or, “What she did to abuse our children.”, or, “The reasons I did not cause the collision.”, or, “My symptoms from the collision.”, or “My Injuries”. Each item must be concise, 1-2 lines, and numbered in a list, directly below the title.

THE TIMELINE

We use the “Object Lists” and “The Top Ten Lists” when we create our timeline of facts. We sort them chronologically. Then we put the important ones into a timely with individual flags.

Some of our timeline exhibits are very long. In those cases I insist on a second timeline exhibit selecting only the most important items. “Mapping events” in the order they happened is an invaluable tool. Do not go to trial if you have not mapped your events. If you do you will stumble and perhaps fall. Time and sequence are keys!

Timeline exhibits are the “maps” of our presentation. They are the story that we present to the judge, jury, or mediator. Do not forget that instead of a rambling story, our timeline is supported by the witnesses and

exhibits we need.

THE INTERVIEW II

There is a fair, but incorrect, criticism of me that I am not a good listener. Being assertive, and anxious to educate, I tend to move the witness along and even to “over-talk”.

How do I combat that flaw? That’s the whole point of my method! I use my brains to work around my flaws, to the benefits of my clients. I learn what I need from the interview, and we build the puzzle into a complete picture.

And, I only appear to be a bad listener. I ask lots of narrowly focused questions, so I can get to the essence of the dispute.

It is hard for my clients, and even opponents, to envision how tens of thousands of hours of experience allow me to learn much from focused, relatively short, answers. I can filter and understand in a way that I never could as a younger man. And, if it is a “yes or no question”, I insist the client answer before explaining. Now that can be tough! I have to chuckle when some guy whose philandering, drug using, wife is wrapping him around her finger, says, “You don’t understand!” They think they are the only guy who has ever been through this, but I have known dozens/hundreds of them!

SIZING UP MY CLIENT

I can tell from how a client answers how good a witness he or she will likely be, and we adjust accordingly.

I can turn an average witness into a good one and a bad one into an average one.

If someone breaks down in front of me, I warn them that our opponent counsel might “make mincemeat” of them if they do not learn to stand up for themselves. If the true client gets angry, I point out that if they overreact to someone on their side, there is going to be difficulty dealing with a determined adversary.

If I ask a “yes or no question” but get an “explanation” in reply, I know they are embarrassed by the answer, so I insist they learn to answer questions directly and explain later.

The Judge will notice in an instant the witness who will not answer a question. And, I must know the worst the other side will have against us, so I can inoculate my client and my case.

We practice until they can answer a simple “yes or no” question, knowing that they will get to explain when I ask them some follow up questions.

IN CLOSING: Please gather those puzzle pieces, make your various lists, complete that Timeline, and help your lawyer be the best that he can be, for you.

2018 Update: Equitable Distribution: WV Divorce Property Law (2018-03-07 19:00)



Most of my clients have property smaller than this former Vanderbilt abode in Asheville, N.C., The Biltmore!

There seems to be less confusion about the basics of equitable distribution than other aspects of WV divorce law. Most people who come to me understand that property acquired by the work of either party during the marriage is presumed to be owned 50%/50%. As they say, "The devil is in the details".

That doesn't mean they are happy about it. The man especially does not want his estranged wife to have "half of MY retirement". Many think their stay-at-home wife should walk away with nothing. Perhaps there is an insight as to why they are facing a divorce!

Strong marriages often have a shared assumption that everything is shared and both parties equal. But, when a wealthy person marries a pauper, or people in their 40's-60's with adult children and other complications marry, the ramifications can be much different than when two people of similar status marry young.

WV is an "equitable distribution state", not a "community property state".

Here is a practical, not scholarly, explanation:

1. If it was purchased during the marriage, whether by one person's paycheck or both, whether titled in one or both names, and even if it a lottery winnings from a ticket bought from a cashed paycheck, it is marital.
2. If it was inherited by, deeded to, or gifted to the recipient only, by a friend or family member, it is separate.
3. If separate property such as cash is deposited into a joint account, or conveyed 50% by deed to the other spouse, it usually is treated as a completed gift or conveyance of half of that property. So, now it is marital.
4. If separate property, e.g., the family house owned by a party before the wedding, is secured by a loan, incurred before or during the marriage, and that marital debt is paid off during the marriage with marital income, the increase in the value of the equity is considered marital, and, until that equity becomes as valuable as the separate property, the equity and the separate property are considered "mixed" property. Examples of "mixed" property are:
 - a. The log cabin on 50 acres, inherited from husband's grandmother, that the parties spent \$100,000 improving, incurring an \$80,000 loan. The "marital" part is the increased value of the property, NOT the amount spent, which might be much more. **Editor's Note:** this example requires a dual calculation, the

reduction of debt by loan payments made during the marriage, and the increase in value by the investment of marital income. Passive increases in value of separate property are not supposed to become marital.

b. The real estate becomes marital as that debt is paid off and equity increases. If the other \$20,000 came from separate property of a spouse, there is some law supporting the concept that the contributing person can ask for a variance from the 50 %/50 % rule, but the stronger law presumes it as a gift too.

c. The example in b. above is "fact driven"; for example, if the spouse who owns nothing in the cabin expresses doubt about investing \$100,000 into the other spouse's cabin, and promises are exchanged (and perhaps a fence built) assuring the reluctant spouse that if he will agree to incur the loan and pay the payments, that five acres will be carved out around the cabin and a right of way to and from it created as marital property, the spouse who made that promise will likely to be "estopped" from refusing to sign a deed to that five acres later.

d. The better course of action is to agree in writing (in order to avoid misunderstandings) and get the deed signed before the construction begins. But, people in love do not always act in their best financial interests, and some promises are soon forgotten. **Editor's note:** The other side of this coin is negotiating a pre-nuptial agreement at the beginning of a marriage can lead to tension and resentment that leads to marital strife, even the cancelling of the wedding.

e. Where a party works 15 years, building a retirement, before marriage, marries, and divorces 25 years after that, the general rule is the spouse shares 50 % of the retirement accumulated during those 25 years.

f. The "simple calculation" is to divide 25 years by 40 years and to split the result evenly : $25/40 = 62.5\%$; $62.5\%/2 = 31.25\%$. Thus, the spouse is entitled to just under 1/3 of the 40 year fund. **The 25/40 is called the "marital coverture".**

g. Our WV Supreme Court ruled in 2006, "50 % really means 50 %", when it ruled that the stay-at-home wife of the dog racing mogul, whose marital estate was worth over \$26,000,000.00, really was entitled to \$13,000,000.00. That case is *Arneault v. Arneault*, 639 S.E.2d 720 (2006).

h. The facts that she stayed at home, raised the children, ran the house, entertained guests, including business associates, and managed household finances, which were considerable, were sufficient to show an agreed marital partnership. Barring extreme hardship, that's the assumption the court is going to make, especially if to do otherwise would result in a gender preference.

i. Methods of rebutting the marital presumption include proof of gambling addiction, alcoholism, or drug addiction that reduce the marital estate, or just plain stupid-wasted or misjudgment. I once had a case where my client, a title abstractor, came home and warned the husband that his friends had a number of tax liens recorded against them. She urged him to have no business dealings with them. He ignored her, co-signed on their loan, and that debt was determined to be separate.

j. Another twist is when the marital residence is built on the in-laws property, based on assurances the lot will be theirs. Later (They always knew he was a bum!), the parties separate, and the promises to convey the land are rescinded, forgotten, or denied. This scenario is also "fact driven", and the litigation must move to the circuit court since it involves parties who are not part of the marital partnership. Often these issues are resolved at mediation since neither party relishes the expense or delay of another lawsuit, in circuit court, involving one of the party's parents.

k. A gift to parties before the marriages fail are just that. The giver doesn't get to take them back if the spouse is a louse. Thus, a couch that both used, the washer/dryer, and the van put in both names, are marital, but the personal gifts from family, the engraved rifle, or the deed in daughter's name only, remain separate.

L. Editor's note: I recently was exposed to a VERY IMPORTANT twist to the rules and examples listed in A-K above. In two cases, a spouse disposed of a residence for which they had a good argument were their separate or almost fully separate, property. They signed deeds without notifying their spouse or having their spouse sign the deed. There is a law covering that. It was authored, at least in part by a friend and colleague of mine, who explained it to me.

It is WV Code Article 43, Chapter 1, Section 2: The rule of the statute is that failure to do either, notice or signature on deed, if done w/i five years of a divorce creates a conclusive presumption that the property is marital. In one case, that added \$100,000 to my client's claim to the former family residence that was titled in the other spouse's name!

Lessons learned from equitable distribution can be hard ones, just as picking the wrong spouse can be.

Many people begin to think of getting a pre-nuptial agreement, a subject for another day. **Editor's note:** My case of **Lee v. Lee, 721 SE 2d 53 (2011)** reveals some of the perils of negotiating your own parenting plan. Both parties here lost because they used a downloaded Internet form!

My thoughts for most West Virginians, even ones who have gained some years, and some property, if you understand the principles below, you just need to make good decisions, to consult your lawyer when it is time to make these decisions, and to manage your property with common sense and compassion.

Good luck. And try to marry the right person, for the right reason(s).

1. <http://hunterlawfirm.net/wp-content/uploads/2018/03/Biltmore.jpg>

Mr. Hunter's Revised Letter to Clients (2018-03-06 15:54)

IMPORTANT INSTRUCTIONS TO NEW CLIENT(S); PLEASE READ CAREFULLY AND SIGN.

Dear New Client:

1. During his representation, there are certain instructions Mr. Hunter and his staff routinely provide and repeat. The core of these instructions is listed here with the hope you will read them, understand them, and agree to follow the standards of the Court and Mr. Hunter's procedures. Experience shows that your firm commitment to conduct yourself properly and to learn and follow Mr. Hunter's methods will save you money, time, and heartache!

2. These procedures apply whether your case is a:

- a. Personal injury;
- b. Civil action;

c. Family Court matter; or

d. Mediation. Note: each of these areas has its own set of specialized intake forms.

3. Please consider anything you post to the Internet to be public. Set your privacy settings to "friends only" but realize any "friend" can share or print, "snag" or take a screenshot of, anything you post, and forward it to anyone they want!

4. Ponder the previous paragraph while realizing the reverse is also true! Without doing anything illegal or even unethical, you can have your good friends or family keep track of our opponents, or you can review public posts, and your own e-mails, texts, and messages. It is truly remarkable what people post and say. To the extent that it is abusive, profane, offensive, or prurient, it likely will help us demonstrate to a court or jury what the other side is really like. Are they a fit parent? An abuser? Addicted? Dangerous? These "puzzle pieces" help us create the true picture, but they could reveal your less than admirable traits also; be careful!

5. By accepting Mr. Hunter as your representative, you are agreeing that your Internet posts will conform to reasonable standards of civility and taste, that you will post nothing on pending litigation, that if children are the subject of the litigation, no photographs of or comments about the children will be posted, and that the standard you will follow is that you will post nothing that she would not want your mother, your children, your spouse, your lawyer, or your minister to see. Note: this rule should be flexible and guided by simple good taste and common sense.

6. Mr. Hunter has a carefully devised method for helping you organize the facts in your case. You are agreeing to follow his methods as best you can, and, most importantly, to ask questions about things you do not understand. Note: especially in cases with lots of facts (puzzle pieces or "objects"), your careful gathering and sorting of those pieces can save you thousands of dollars!

7. While email is a wonderful form of communication, Mr. Hunter cannot absorb your communications unless you will keep your paragraphs short, 1 to 2 lines, numbered, and to the point!

8. To the extent you must use more than one email, do so, but recognize that long rambling emails may contain information that is not fully absorbed.

9. Many Family Court proceedings have very strict rules of disclosure. You will be provided forms for you to summarize "caretaking functions" of your children by you, your child's other parent, and third parties, your property and debt, and other important information. You will be required to prepare complete financial affidavits and to file tax returns and earning information.

10. AND REMEMBER Family Court proceedings are confidential so do not talk about them, share them, or post videos or transcripts of the hearings. If others break this rule, let us know!

11. It will be your responsibility to "do your homework", whether it is a family court matter, civil litigation, or personal injury claim or lawsuit, for example, by getting:

a. A duplicate of that credit card bill;

b. Bank account information;

c. Tax returns with schedules attached;

d. Current pay records;

- e. Retirement and insurance documents and policies;
- f. E-mails, screen shots of text messages, and other digital communication.;
- g. Digital copies of photographs, and;
- h. All sorts of other critical information.

12. I repeat, the fact you do not have an item in your possession at the time it is requested is no excuse. The success of your case will be determined:

- a. By its merits, but also;
- b. By the diligence and efficiency of your preparation and your communication with your lawyer.

13. It is critical that you tell your lawyer the truth. By this, Mr. Hunter does not mean simply answering his questions truthfully. If you have:

- a. A felony conviction;
 - b. A domestic violence petition filed against you, whether it resulted in the protective order or not;
 - c. A drunk driving conviction;
 - d. A disgusting Facebook page;
 - e. A pre-existing injury;
 - f. A psychological problem;
 - g. A drug or alcohol dependency;
 - h. Or any other fact that you know in your gut Mr. Hunter needs to know,
- You must tell him! In other words, Mr. Hunter hates surprises! If there is “an elephant in the room”, tell him!

14. By signing this document, you are certifying that you have read and understood each of these instructions and will abide by them.

15. If any of them seem unreasonable, or you do not understand them, please speak with a staff member or with Mr. Hunter before signing.

Client Signature Date

Gun Violence in America: A Small Town Lawyer’s Thoughts (2018-03-01 15:32)

A GREAT CHALLENGE FOR AMERICA: VIOLENCE

1. Where do we start? With our animal nature? Our tribal past? Our “Colt and Winchester” frontier myths? Our warlike natures? Our vicious propensity for war? Our distrust of anyone who is different? Our belief in myths as fact? The exploding “Age of Information”? Racial and gender-based hatred?
2. I will assume “all of the above” and proceed accordingly.
3. I think having a historical and anthropological perspective is essential to thinking of this challenge clearly. It can dispel the belief that we are somehow special, touched by God, with a pre-determined future. Realizing that we are “simply” an advanced ape-mammal is essential. If we insist we are different, special, created by God in his form, we keep looking for a supernatural “savior” when there is none. **The only “salvation” is within us, what we are, and what we may become.**
4. I also think that a view toward the future, a grounding in science and technology, and an appreciation of the remarkable explosion of progress we’ve had (starting with seeds before the Age of Enlightenment), and an appreciation of “accelerating change”, are essential.
5. We know that people have been fantasizing and dreaming for over 30,000 years as evidenced by the French cave paintings and the pregnant fertility doll from Germany. What a coincidence that those are the things that interest me. One of our best dreams can be a safe America, with the lowest gun violence in the world.

My Perspective

1. I have a “liberal education”, a good science and math foundation from high school, a misapplication of my energy in college but still lots of reading, three years of learning the structure and philosophy of the law, and 46 years of representing individuals in all manner of conflict. I have supplemented my adult personal and professional experiences with reading that tends to be heavy on “information”, including science for the educated lay reader.
2. I grew up next to a farm, worked there for six summers, had a bolt action .22 rifle, five years of military prep school, and “marksmanship” training, and four years as a USAF JAG. I am not against private gun ownership. I am a lifetime Republican who is done with the Republican Party. I am a generalist!
3. But, think of the specialists, the people who understand the inner workings of the atom, the scientists who have cracked the secret of the genome, the brilliant economists and “big data” psychologists who are analyzing the behavior of millions of people and billions of transactions, and the mathematicians and physicists who understand “relativity”, black holes, the expanding universe, deep matter, deep energy, and “The Big Bang”.
4. I am glad to know that such puzzles exist but am not bright or specialized enough to figure it all out.
5. There are a tiny few “polymaths” who somehow seem to have synthesized a great deal of it. I guess I might aspire to be a “mini-poly”, just smart enough to get a glimpse into the infinite and to articulate some practical suggestions. As meager as my accomplishment are, I am sad that a large portion of our citizens are swimming and breathing in waters they do not even know exist. They won’t read this or agree if they do.

6. I strongly encourage anyone who aspires to an understanding of our most puzzling country to read “Fantasyland: How America Went Haywire: a 500 Year History” by Kurt Andersen. <https://tinyurl.com/y98wtddf> It gave me insights that reading a dozen books on related topics the last few years has not.
7. The short summary is that this country of immigrants has its own peculiar ability to have dreams, goals, and myths that are not grounded in fact. We “baby boomers” include a disturbing percentage of members who somehow have grown into adulthood believing we can stay “young at heart”, or childlike, our whole lives. Many of us dress like kids and gorge on porn, video games, and fantasy (e.g. sports leagues) and “holy roller” churches
8. A startling number of people, devout and not devout, believe in a God that interacts and monitors people, punishes them, rewards them, and acts out in petulance. And there are thousands, no millions, who pander to these beliefs and profit from them. These beliefs are false and destructive to our adaptation to the modern world.

Page Two

I have written my first page without addressing the question, “How do we reduce gun violence in America?” It is a subject akin to arguing about religion. The more we argue, it seems the more entrenched we become. But here, as Fareed Zakaria says, “Is my take”.

The Nature of Gun Violence

1. Gun violence is a symptom like fever, pain, or that itching rash. We of course want to alleviate symptoms, but that will not cure the underlying disease. We must address the disease and the side effects of any treatment. While treating to control the sneeze and wheeze, we still want to solve the riddle of cancer and heart disease. Violence, oppression, greed, and hatred are the diseases. Bump stocks and semi-automatic rifles are also symptoms.
2. If you want a peek at the foundation upon which these comments stand, here are a few ideas, articles I have written, on related subjects and suggested sources:
3. [1]<http://hunterlawfirm.net/burts-history-of-the-world-part-i-to-the-age-of-enlightenment/>
 [2]<http://hunterlawfirm.net/a-small-town-lawyers-reading-list/> [3]<http://hunterlawfirm.net/burts-criticism-of-religion-and-religiosity/> [4]<http://hunterlawfirm.net/symantics-metaphor-religion-and-clarity-of-thought/> [5]<http://hunterlawfirm.net/the-challenge-to-the-church-in-the-modern-world-or-whats-it-all-about-anyhow/> [6]<http://hunterlawfirm.net/the-formative-effect-on-a-country-boy-of-the-4-h-clubs-in-ohio-county-wv-in-the-50s-and-60s/> [7]<http://hunterlawfirm.net/a-modern-view-of-religion-by-a-spiritual-person/> [8]<http://hunterlawfirm.net/burts-response-to-the-challenges-of-the-modern-world/> [9]<http://hunterlawfirm.net/i-wonder-whats-gone-wrong-newtown-connecticut/>

Why Gun Violence is the Symptom?

1. Mass killings seem to feed off “The Information Age”. They follow a pattern as if the perpetrators have read the same “How To” manual. In a way they have. Each tragedy plays out the same on the news. What happened? How many dead? Who were the heroes? Who was the perpetrator? Why did no one stop him? Were there warning signs? Who were the victims? What were their stories? Who are the scapegoats? Who can we blame it on? How quickly can one side of the gun violence issue accuse the other one of politicizing it?
2. I can hear regret in the reporters’ voices as they inevitably help to make the shooter famous. And, somewhere, another warped and broken person is thinking, “Wow, look at how important that shooter is. I can do that.”
3. So, gun violence is a symptom of our troubled age and our difficulties in adjusting to accelerating change. 150 years ago, a death was tragic, but everyone in America did not get to share it in real time. And, vicious ideas could and did spread, but at the speed of a horse or boat or train. Now it is the speed of light.
4. In the Wikipedia Age, the experts are hard to spot. Twenty years ago, we could trust The Encyclopedia Britannica to find the best scholars in their field and put one curated version on the page. Libraries were organized by The Dewey Decimal System.
5. Now, people compete to fit the truth into Wikipedia. Much seems to be accurate, but it is a different world. As divorce rates skyrocket, marriage rates drop, parents lose the ability to be gatekeepers of their children’s information, and the problems grow. So, a key to my proposed solutions is a “Manhattan Project” or “Man on the Moon” effort to teach our people, adults and children, how to curate and evaluate the flood of “The Information Age”. If we fail, America, even if it survives, is facing chaos.

What Kinds of Law?

1. We’ve heard it all. “It’s not the gun; it’s the person holding the gun.” “It’s a mental health issue.” “The only way to deal with a bad guy with a gun is a good guy with a gun.” “They want to take our guns”. “Secure the schools.” “Harden the targets.” The problem is the men; get rid of men.” Really?
2. From the NRA is mostly silence. They don’t even make the argument that I would make for them. They have abandoned their original purpose, to support the sportsman, the hunters and hobbyists, to promote gun safety, and to train gun users in the safe and responsible use of these inherently dangerous tools, tools designed expressly to kill and maim.
3. Gun manufacturers and The NRA are willing to say or do anything to keep gun sales going. Their reason to exist is selling guns.

4. Do we restrict gun sales? Register every gun? Limit magazine sizes? Restrict military style semi-automatic weapons? The type of ammunition? Require mental health screening? Limit “conceal and carry”? Place age limits on the purchase of firearms? Some of these subjects are toxic, but I say, “Let’s consider everything and attack from many sides.” This giant problem needs a multifaceted solution, not piecemeal band-aids.

Here are some ideas I posted this morning, Tuesday, Feb. 27, 2018.

1. Personally, i think NPR is nuts to be interviewing someone about repealing the 2nd amendment. Perhaps the idea is to scare people into voting for regulations. My long article is almost done, but it is clear to me that we need to train those who wish to own a gun with the kinds of precision and ethical framework, be it hunting, self-protection, or sports, that reflects the dangerousness of the instrumentality. I’d say at least twice what driving a car requires. Compare The Skip Barber Racing School to your high school driving instructor.
2. I would have limits by age. I would have strict rules, age and qualifications, surrounding concealed and open carry. I would consider what to do about volunteer security personnel in schools but require at least the training in shooting that a state trooper gets.
3. Yes to universal background checks. All weapons, even my Grandpa’s 100 plus year old single shot .22. Should be registered. No special privileges for gun shows. Big penalties for illegal weapon sales. Liability to gun manufacturers for people illegally killed with their inherently dangerous product. Once registered, I would have a computer chip in every gun. I would track every transfer. Punishment would not be big for people with clean records; say relinquishment of the gun, a fine or short jail sentence, or community service. Prison reform. Revision of our drug laws. Complete review of our mental and cognitive illness medical system.
4. Outlaw gerrymandering and pass comprehensive campaign reform? Outlaw military style weapons unless a person meets very strict criteria.
5. Bump stocks? Of course; even the president likes that one. That would be a start.

How Does This Relate to Accelerating Change?

By now you should have seen it. The line graph, low on the left, rising to the right, and zooming nearly vertical on the right side. This line chart mimics “accelerating change” towards what one authority calls “The Singularity”. “The Singularity is Near: When Humans Transend Biology”, Ray Kurzweil, 2006.

America the Fantasyland

I am 60 % through a book called “Fantasyland – How America Went Haywire: A 500 Year History”. I am going to try to finish it before posting this. I commend it to everyone. It reminds us that we once used words like “hokum”, “malarkey”, “con man”, “scam,” “balderdash,” “hogwash”, “confidence game”, “poppycok”, and “Buncombe”, words used to reject a flamboyant but bygone era and welcome the modern world to America. The evidence is that we are falling back into a new “dark age”. I hope I am wrong. The evidence says that the purveyors of myth, fantasy, and falsehood have a powerful new weapon that we have not learned to deal with. It began with t.v. but morphed and metastasized with the Internet.

Fantasyland also began because America went through at least a couple hundred years of idiocy, dreams of streets paved in gold, “end of the world”, magic elixirs, medicine shows, carnivals, Mesmerism, Phrenology, homeopathic medicine, Mormonism, Scientology, conspiracy theories, and so much more. It is a multilayered book, but it reminds us that since the ‘60’s, in America, people can pretty much believe anything they want, that the earth formed 4000 years ago, that people can rise from the dead, that flying saucers exist, that Princess Diana both planned her own death and died of a murder conspiracy, or that Elvis was just seen, alive and well, or a man can live in the belly of a whale for two days.

Donald Trump is the epitome of the “huckster”, the “Carney”, the “over-promiser”, the liar, or as Fareed Zakaria properly quoted of him, “The Bullshit Artist”.

But, how does an angry, maladjusted, mentally ill, evil, or “misled” individual come to believe that killing a bunch of people, mostly strangers, will solve anything? Those are complex questions. But, first I think we must focus on how to stop them.

Information Overload.

1. I delete 50 extraneous e-mails each morning. I ignore the clamor of half a dozen news feeds. I decline a dozen books a day but still order three times what I can read. While I drive, I listen to audiobooks, podcasts, and Sirius XM. I still take a few magazines, Wired, Archeology Today, Road and Track, Car and Driver, and professional magazines.
2. I send the e-mail I find useful to Evernote and the task list Wunderlist for future review and read the ones I “can’t help” finding interesting. I scan paper documents, tag or archive, and hope I can find them when I need them. I try more than most, but information overload is real.

Loss of Ethical and Moral Compass.

1. When our top political and religious leaders have learned that lying is better than telling the truth, to accomplish their venal goals, America is in trouble. Rush Limbaugh got it started Congress repealed “the fairness doctrine” and “opinion news” entertainment was permitted. <http://www.pbs.org/wnet/tavissmiley/uncategorized/are-we-better-off-without-the-fairness-doctrine/>
2. When our U.S. President is the best liar in the country, willing to say simply anything, and to contradict himself constantly, and we can’t find a proper balance or bar to that, we are in trouble.

The Problem of Religion.

1. I was raised to believe that the truth is important and that lying, and liars, are bad. Now lying is not such a big deal.
2. Americans, perhaps 25 % of us, have reverted to a perverse, medieval, form of religion. The more fundamental for these groups the better.
3. Each must have a supernatural leader, God, Savior, Prophet, Dictator, or Supreme Leader. Each totem performed supernatural miracles.
4. Each claims a divine source for his teachings.
5. The war of knowledge was fought, and science and rationality won, we thought? But new evangelical and Pentecostal views and “new age relativity” and their teachers have returned to feed into the myth of the American Frontier, our rural heritage, our Southern supremacy, and our freedom to believe anything regardless of its factual basis.
6. It is a backlash to progress, but it is real. Sorry, no room to explain this, but part of it grew out of the mythical “lost cause” of the post-Civil War South.
7. Yesterday the pastor who led the prayer at the NASCAR race spoke to “The Lord” as if he were a favorite uncle asking him to return America to be “a Christian Nation” with every single citizen saved, and presumably, reborn in “the blood of Jesus Christ”.
8. Yuck. Before 1960, hardly anyone was “reborn”. That’s pretty much the end of me and NASCAR. Maybe I’m just hearing “same’ol” for the first time, but it made me mildly ill. It is a sports event, NOT church!

The Problem of Science.

1. Science is a system for seeking objective truth. It requires experimentation, control of variables, patience, and a rigorous refusal to follow “wishful thinking”. It is rational and empirical. It is technically amoral, but to me must be just as rigorously ethical.
2. But, Nazi’s and even people in America came up with theories of dealing with racial minorities, inferiors, and defectives. Detractors of science decry objectivity, empirical thinking, and the rejection of intuition. They insist that if they FEEL strongly enough about something, we should concede its validity.
3. People who believe in “Natural Law” reasonably ask, “Where is the concept of right and wrong in science.” I struggle with that question, and I have accepted what former Supreme Court Justice Oliver Wendell Holmes, Jr. called “can’t helps”.
4. These are core values of empathy, honesty, non-violence, compassion, equity, and fairness that my upbringing tells me are good for most people, in the sense that they can flourish and survive better if these values become the norm. I may be wrong but “can’t help” feeling I am on to something.

Prison Reform.

1. The history of crime and punishment in England holds many lessons. Credit Dickens with casting light on the plight of the poorest classes, a failed criminal system, and the “bleakness” of pollution filled cities.
2. More recently, wholesale incarceration escalated in America during the Clinton era. It was well-intentioned, designed to deal the drug crisis. But, with the highest percentage of incarcerations in the world, and 25 times (2500 % of) the gun violence per capita in America than in other developed country, we have created a crime manufacturing industry.
3. In theory, we control these prisoners. In practice, we do not.
4. Do we make sure they read Aristotle, Spinoza, Edward O Wilson, Einstein, Darwin, Shakespeare, Martin Luther King, or Gandhi? Do we make sure they learn to read, write effectively, to calculate, to think critically, and to have a moral compass, to care for others? We do not!
5. We allow them to collect into racial groups and cliques, to operate as gangs behind the bars, use television as a drug, and allow them to organize for future criminal activity. Any dramatic decrease in gun violence will require a massive effort to reform our prisons.

Drug Reform

Our society teaches we must have more, we must have fun, we must be stimulated, we must be entertained, we must feel happy, and we must CONSUME. We are, after all, FANTASYLAND, where all views have equal weight, where criticism of anyone’s faith is “fightin’ words”, and where getting high is no longer wrong.

Medical Reform

Our medical treatment system is broken. The power of drug companies, insurance companies, the corruption of our political system conspire so that it costs too much and does too little. Add to that a food industry that puts processed foods into our children, at school and at home, and the fact our diseases, to a large extent, are self-inflicted. That may not obviously connect to gun violence but obesity, lack of universal health care, and exorbitant costs constitute a huge challenge to America’s social and medical health.

Healing Racial Divisions

“Fantasyland” helped me to understand the phenomena of police violence, racial conflict, the burning resentment of white working-class America, and the “southern mentality” Confederate Flags and the myth of the noble south.

Our Problems with Sex and Gender

The success of birth control, break-down of morals, the progress the gay and transgender community have made, gay marriage, and the rest, have caused America to bonkers over sex. That leads to anger and conflict and creates one more impediment towards solving our problems, including gun violence

God Gave Us A Tool We Cannot Handle or Even Fathom

The power of instant communication and computers in our hand beyond anything we imagined even twenty years ago have created a problem we are only now beginning to appreciate. It will take some of our best thinking to figure out who we can turn that tool away from porn and games and gambling to something positive.

Training Our Youth

We are not training our youth with the tools of our time. Smart devices, computers, and everything related to that is powerful. No one should be handling them without training, especially with the ethical foundation that makes their use positive and acceptable. We don't let "12 year olds" drive, and we don't let "15 year olds" drive without an adult, and "16 years olds" without a license.

The Role of Regulation in America

1. The evil nature of government regulations and rules is a myth. An orderly society must protect the young, the weak, the vulnerable, the poor, and promote an upward path for those who can achieve it while not letting wealth and power accumulate into the hands of a tiny view.
2. Our government must be powerful enough to control organized crime, terrorists, and the politically corrupt.
3. A young person should be learning core values and ethics from the playpen on. If parents aren't doing it, we must train the parents and the children.
4. Cars aren't designed to kill, but they can kill, and we regulate them. We regulate roads. We regulate industries, chemicals, zoning, sewage removal, water systems, housing, and drug production and sales. Look what happens when the regulation fails. You get the opioid and heroin crises!
5. The 2nd Amendment was an afterthought, part of the bill of rights, something that almost didn't make it into the US. Constitution. It is ambiguous, and it implies the right to bear arms is so we can form militias if we are threatened from the outside.
6. I concede that hunting, properly regulated, needs to remain in America. For sport? Food? Competition? Recreation? It is legal. And our society is not ready to say goodbye to it. Killing for trophies? Disgusting. Diminishing species to extinction? A profound crime.

Mental Health

1. There are two devastating developments in medical treatment in my lifetime. The Opioid crisis, of course, was created by the push of the drugs industry to be unfettered in its prescription of addictive, powerful, pain medications FOR PROFIT. The other was the closing of our mental hospitals and the belief that the severely mentally ill could simply be turned loose and maintained by outpatient treatment.
2. I recently learned that "One Flew Over the Cuckoo's Nest", directed by Milos' Foreman, written by Ken Kesey, and starring Jack Nicholson, was part of a major campaign to reject the concept of mental illness and promote the idea that any belief, strongly held, had some validity. The result of that revolution, during the Kennedy years, was the an avalanche of homeless people and lost humanity.
3. If a doctor notices his patient is no longer capable of driving safely, it his his/her obligation to notify the Dept of Motor Vehicles. If a psychiatrist or psychologist notices his patient lacks stability to operate a firearm safely, he should take similar action. How do they do that and maintain proper rapport and respect confidentiality with their patient? I am not sure, but some people, who are mentally ill, are dangerous, to themselves and sometimes to others.

Religion

1. America believe everyone is entitled to believe whatever they want. Bullshit! That's a shame. If you believe that Jesus could fly without an airplane or Mohamed talked to God, or bushes burned without being consumed, you should be declared crazy and locked up. It is crazy. It is nuts. It is not true.
2. If you think that Buddha got in right in how to meditate, sacrifice and show empathy for the poor, great. If you think Jesus' teachings of poverty, charity, non-violence, compassion, tolerance, and the rest, are superior, fine. If you think black people and white people shoudn't hang out together, that's your view, but we probably should keep working on core ideas, honesty, compassion, sharing, cleanliness, conservation, responsibility to other life forms, preservation of our environment, tolerance and respect for others, WITHOUT claiming it comes from a supernatural honcho that only you and your little group are tuned into.

Summary

1. I believe we can require extensive training to operate such dangerous tools. I think fitness matters, sight matters, training matters, a stable mentality matters. Yes, I think each person should pass a mental and physical examination before getting a license.

2. I think we should monitor the Internet and use big data of spot the whackos.
3. I think we should train everyone in Internet ethics and etiquette.
4. I don't think young males should spend endless hours on games and porn; how to deal with that. I don't know. But they are subject to adult discipline and rules. Somehow, there need to be "rewards" for pursuing a positive and constructive course on the Internet. And, heaven forbid, forms of censorship, child porn, porn, age appropriate, violence, racism, and hate speech, may not be the worst thing.
5. I think every parent should be certified in Internet safety and trained in how to protect their children. No certificate of completion, and our kids can't have a cell phone at school.
6. I think it is time for a strong "surge" into the future, with less myth, superstition, hatred, and tribalism.

1. <http://hunterlawfirm.net/burts-history-of-the-world-part-i-to-the-age-of-enlightenment/>
2. <http://hunterlawfirm.net/a-small-town-lawyers-reading-list/>
3. <http://hunterlawfirm.net/burts-criticism-of-religion-and-religiosity/>
4. <http://hunterlawfirm.net/symantics-metaphor-religion-and-clarity-of-thought/>
5. <http://hunterlawfirm.net/the-challenge-to-the-church-in-the-modern-world-or-whats-it-all-about-anyhow/>
6. <http://hunterlawfirm.net/the-formative-effect-on-a-country-boy-of-the-4-h-clubs-in-ohio-county-wv-in-the-50s-and-60s/>
7. <http://hunterlawfirm.net/a-modern-view-of-religion-by-a-spiritual-person/>
8. <http://hunterlawfirm.net/burts-response-to-the-challenges-of-the-modern-world/>
9. <http://hunterlawfirm.net/i-wonder-whats-gone-wrong-newtown-connecticut/>

5.9 February

An Example of Unbundling of Legal Services (2018-02-15 20:07)

As you will see if you search my blog for "unbundling", "unbundled legal services", or "future of the law", I have created some carefully tailored legal services that permit us to help a person on a limited budget.

These services include a "legal checkup". I revised my post on that topic just a few days ago. Here it is if you are interested. [1]<https://wp.me/p4utce-4H>

Let me give you an example of how unbundling allowed me to help a person who simply could not afford to hire me to represent him.

Details have been changed to protect and respect confidentiality. The people had been together a long time. Had adult children.

Fixed incomes. No significant real estate. Accumulated "stuff", personal property, all at the former family residence with the wife. Very small retirement fund.

In two hours, we prepared our responses and counter to the wife's divorce packet, ascertained the significance of some past violence between them, determined their debt is essentially uncollectible, gave him the name of a good bankruptcy lawyer for a consult "just in case", directed him to the Social Security Office to ascertain what would happen to his/her benefit checks in the event of a divorce.

Provided him my article on "equitable distribution of property and debts". Here it is: [2]<https://wp.me/p4utce-4k>

Provided him a copy of WV's Alimony Statute. Gave him my handouts "Divorce 101": [3]<https://wp.me/p4utce-4Q>

Ghost wrote his Answer to Divorce Petition, his counter-petition, his motion for temporary relief, his financial affidavit, his Bureau of Child Support mandatory application, affidavits of verification, and envelopes to take the original to the circuit clerk (signed only by him), his wife's lawyer, and to the family court.

Also, gave him "The Nuts and Bolts of Family Court": <https://wp.me/p4utce-6l>

Gave him my "take" on his adversary, a very competent and honorable lawyer who I believe will treat him with respect.

Called the lawyer, explained to his assistant the husband cannot afford to hire me, but that I had ghost-written some of his pleadings. Told him and the client that I will look over any agreement the wife's lawyer drafts and give it my best assessment.

The gentleman and I agreed that it would be much better for him to hire me, retainer \$2500- \$3000, but got him to promise he would call before signing anything. Duffy the therapy dog was a big comfort to him. He walked out two and a half hours after arriving with much, much more information than he had before, and his mandatory responsive pleadings.

He said he felt he had got his money's worth, especially since can call me a few times at no further charge. He has. The articles and forms we shared took several dozen hours to compile. The Pathagorized pleadings would have taken him hours to fill out, and he did not know how to fill them out. I just "filled in the blank" on the Pathagorized documents: reference [4]<http://www.pathagoras.com>

He walked out with a manila folder with a copy of his response, for his adversary, the family court, and the original answer, counter-petition, and motion for temporary relief for the Clerk of the Circuit Court.

It isn't law school, but you can't have law school or a lawyer representing you in court for \$500. I am proud of this work and hope the idea spreads.

Remember, it is called "unbundling", and it can work surprisingly well.

1. <https://wp.me/p4utce-4H>
2. <https://wp.me/p4utce-4k>
3. <https://wp.me/p4utce-4Q>
4. <http://www.pathagoras.com/>

The Divorcing Litigant's Big Argument! (2018-02-14 16:23)

The argument for not consulting a lawyer in your divorce:

1. At least half of all lawyers are below average. (I know I am a bit tough on family law lawyers here, but it is the mindset we bring from law school and our lives that I disagree with. There is a movement for a better way, and I hope it will begin to change this concept of "an adversary system".)
2. Family law tends to attract aggressive people with a high tolerance for conflict.
3. Lawyers have been trained in "the adversary system". Siri defines "adversary" as "One's opponent in a conflict, contest, or dispute. e.g., The Devil". How crazy is that? The person you swore to love and honor, for your lifetime together, with whom you had children, acquired property, and shared dreams. Now must sue one another in order to get a divorce! What's a person to do? Good question.
4. Relatively few family lawyers are innovative, creative, and determined in dispute resolution. Their approach is to argue, threaten, bluster, and fight. It is very tough to be collegial and cooperative with a lawyer like this.
5. Lawyers tend to be expensive, and family law lawyers who are in great demand sometimes cost more than average.
6. And, "My spouse says he would like to do this 'without lawyers'".

The argument for consulting this lawyer in your divorce.

1. I strongly believe I am not "below average". If you "do your homework" on me and my staff, I think you will agree.
2. I am an aggressive person with a high tolerance for conflict who has learned to moderate his natural tendencies for the good of his client and her/his children, while being alert for the "bullies" in the world.
3. I am doing everything in my power to be innovative, creative, and determined in dispute resolution. I try to reason with my opponents and to "punish" the truly unreasonable lawyers and parties. "Punish" simply means do a good job, try the case vigorously, and get the best results in those cases where the other side simply will not agree to a fair compromise.
4. My staff and I have innovative methods, and various products, that keep my fees substantially below the "big retainer: see you in Court" lawyers.
5. There is no better way to "get along", and to avoid being pushed around, by teaching your spouse that bullying, and pressure will not move you, and that your post-divorce will be different than the marriage, with mutual respect, fairness, equity, and placing the children first. Had these things been in full force during the marriage, the divorce might not have been necessary.
6. The spouse who says "let's do this without lawyers" is often the more aggressive spouse, the one who is sure he can turn you to his will, or the one who sees he/she has more to lose if the other side has a lawyer. If "do this without lawyers" is supposed to mean work out an amicable settlement, I do that at a much higher rate than "average". And "fair" to you does not mean you walk out the door in a barrel with leather shoulder straps! A "good divorce" is an equitable one that maximizes the parties' chances of working together later for the sake of the children.
7. And, I have negotiated thousands of property settlements and parent plans? How often have you and your spouse done that? And what is your experience and knowledge of "the rules of the (divorce) game"? There are family court rules, rules of evidence, rules of civil procedure, appellate rules, civil cases, and Supreme Court case precedent. You don't know them, so you need someone who does.
8. Knowledge is power. For a "consultation fee" of \$500, I can evaluate your case, gather a history, provide options, discuss fee arrangements, and empower you. We are not too expensive, aggressive, or too adversarial for most working people. And we will help you guide your behavior for your best interests and your children
9. At the end of that interview, all of your options remain on the table, but your information base will be much larger. **304 472-7477; hunterjb@hunterlawfirm.net**

5.10 January

Review of Pathagoras Document Assembly Application (2018-01-31 20:01)

I was asked to submit a review for use by the Technolawyer website and resource. I hope I make the cut, but when I finished I realized I had a new blog post! Here it is. My focus is not the "bells and whistles" but the functionality and customer support. Try it, you'll like it.

Re: Pathagoras Review

www.Pathagoras.com

I am a former user of HotDocs and a board member of the WV Association For Justice and WV State Bar. Got tired of losing all my "proprietary" templates every time HotDocs came out with a new version. I couldn't share templates, training was primarily all day seminars (\$800!), and I just got tired of it.

Then I Googled "document assembly" and found Pathagoras and its inventor, Roy Lazris. I consider Roy to be "a friend", which is not something I can say about Bill Gates or the head of Apple. I can reach out to Roy, and he responds. How great is that?

Here's my secret. I usually don't use the full featured 800 page Pathagoras Manual. The basic manual and the "seven day plan" are much more helpful for me, but similar to the 75 page HotDocs user's manual, which was my only HotDocs resource.

Pathagoras' "help" is like a pyramid, solid useful, information at the top, and a broad base of detailed information as you grow into it.

I know that if I need to "dig down", the "big manual", or Pathagoras' video tutorials, are there for me to search; and, even better, Roy is most accommodating in helping me solve my problems. We've had at least a dozen remote sessions over the years where he has trained me and my staff.

Example? I had a clunky method for listing children in my divorce Petitions and Parenting Plans. I had to say "no" to the name and date of each of the unused or empty variables ([]) I had for the names and birth dates of the parties' children. I had spaces for up to six.

After one conference with Roy, I had a sleek "cumulative" feature, which I see he now has included in the application. Now you just select the number of children and have no more work than to add the name/dates of birth for that number of kids. Before I had to say "no" to up to 10 empty variables of name and D.O.B. That's 30 seconds saved for each document.

I know that I could wring even more from this robust document assembly product, but the point of this review is that I don't have to. I go with what works for me. I am busy, and I am no programmer, but I have a working knowledge of Microsoft Office Pro and Word. It's important that you or your staff have that.

If you are a collaborative lawyer, and you should be, form a small community, trade forms, and learn

from one another. If not, save it all for yourself.

If you are good at what you do, have a good set of forms for your practice area, and give some thought to decent office systems, this product is for you.

If, after you have used the products for six months, created a number of usable forms, and want to move to “libraries”, “dropdown lists”, macros, and the rest, go for it! Many of you will find them easy out of the box, but don't feel you have to master everything at once. It's a useful application from the very first document! And, I loved being able to get a full featured download and create a half dozen usable forms before a remarkably moderate price.

Pathagoras is a solid, “meat and potato”, daily benefit to your practice, your staff, and your clients right out of the Box.

And, I am not a Robot. You can find me in Buckhannon, WV, pop. 6000.

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A Personal Injury Glossary: Negligence, Insurance, and the Rest (2018-01-24 21:43)

25 Personal Injury Related Definitions

These are not “legal definitions”, nor is this legal advice, but it may come in very handy for you.

1. Negligence: a simple mistake. Travelling too fast, rolling through a stop sign, mistakenly turning head on into a “one way” street.

2. Tort: an injury one person does to another, sometimes as the result of negligence or gross negligence, and sometimes intentional. All are actionable, subject to comments below.

3. Tortfeasor: a person who or entity which commits a tort.

4. Comparative Fault”; in WV a person is barred from collecting damages from another party or entity if that person contributed to her/his fault by 50 % or more. They are then limited in their complaint by the percentage of fault the other party committed. For example, if the claimant has 40 % of the fault and a \$100,000 claim, and the tortfeasor has 60 %, his award should be \$60,000.

5. Liability Coverage Limits: the most common example is auto insurance, which has State mandated limits of \$25,000 per person and \$50,000 per occurrence. This means that an individual injured by a negligent insured driver can collect a maximum of \$25,000, but 2, 3, or even 5 injured persons are capped at \$50,000. When their claims are over \$50,000, a court will have to determine the apportionment unless the parties can agree. Other coverages can be \$100,000- \$300,000, \$200,000- \$600,000, or even higher if you have a “personal umbrella”.

6. Personal Umbrella: Think of “umbrella insurance coverage” as coverage that hovers over your other coverages in order to provide an extra level of protection. A condition of coverage is for you to carry robust limits in your underlying (auto, homeowners') policies. In return, you can have an additional coverage of \$1,000,000 or more. It is a great bargain for persons with assets to protect. For more information on such

issues, search of my blog gets 18 “hits” for the term “umbrella”, [1]<http://hunterlawfirm.net/?s=umbrella>.

7. Uninsured Motorist Coverage (U.M.): is insurance protection for you in case the person who injures you has no liability insurance. In WV uninsured motorist coverage is mandatory in limits of at least \$25,000 per person and \$50,000 per occurrence.

8. Underinsured Motorist Coverage (U.I.M.): is the same concept as “uninsured”; it permits you to file a claim, based on negligence and injury by “the other guy”, against your own insurance, without being penalized. You can waive U.M. coverage over \$25,000/ \$50,000 and all U.I.M. coverage. Occasionally, we can get you the state minimum coverage if your insurance company failed to get a signed waiver from you.

Important Note: If you are a person with sufficient assets to protect or large enough conscience to want to have a “personal umbrella”, you should be make sure, in writing from your umbrella carrier that your umbrella is included in the limits of your UM and UIM coverages. **Get this in writing; it can make the difference between financial security and financial disaster!**

9. “Medical Payments”, “Family”, or “Med-Pay” coverage: This is coverage that pays for your or your passengers’ medical bills regardless of fault. It can be \$5000, \$25,000, or even \$100,000! It is primary before your personal medical insurance, so you should have it in most cases.

10. Subrogation Claim: is a claim that your insurer has for reimbursement for payments made on your behalf for medical services or perhaps even for your paycheck. I think of “subrogation” as a synonym for “substitution” or “standing in your shoes”. It reflects “common sense” that the tortfeasor, and not an “innocent” insurer. should pay your medical bills.

11. Made Whole Rule: WV has a “made whole rule” that requires the subrogated entity to accept its pro-rata share of any settlement or judgment. It can’t collect its entire claim unless you are recovering your entire claim. Often a good attorney will negotiate the subrogation claim as part of the global negotiations, so the carrier and the client each get a fair proportion.

12. The Employment Retiree Income Security Act (1974), “E.R.I.S.A”: is a federal law that governs many retirement plans and medical insurance plans. It can be very difficult to negotiate with an E.R.I.S.A. plan representative. Likewise with Workers’ Compensation or military subrogation plans. Proceed with caution and the help of a good lawyer.

13. Wrongful Death Claim: West Virginia’s wrongful death statute allows recovery from an at fault “tortfeasor” for the death of a person. The claimants are beneficiaries defined by the statute, including dependent children, a spouse, parents, and certain other persons. Keys are the closeness of the relationship between the decedent and the survivor dependent, the income potential and life expectancy of the decedent, and the amount of pain and suffering the decedent endured.

14. Punitive Damages: are not tied to compensation such as lost wages, medical expenses, or impairment. There must be intentional or willful, wanton, and reckless behavior by the tortfeasor. Punitive Damages are designed to punish and deter future wrongdoing, particularly by a large entity. As in the “McDonald’s Coffee Case”, punitive damages may be effected by the assets of the tortfeasor. In that case the damages were based on a couple of days of McDonald’s “coffee profits”.

15. First Party Bad Faith: This is a claim by an insured against their own carrier for “bad faith settlement practices”. The claimant does not have to establish malice, or intentional wrong in order to recover compensation, damages for “aggravation and inconvenience”, and lawyers’ fees. The claimant needs only to “substantially prevail” in the prosecution of their claim to recover these items. But, in order to get “punitive damages”, the claimant must also prove “malice”, or intentional wrongdoing.

16. Third Party Bad Faith: is bad behavior by “the other guy’s” carrier. This cause of action no longer exists in WV, as our legislature outlawed it. You are limited now to a complaint through the WV State Insurance commission and possible “slap on the wrist” of the carrier.

17. Contingent Fees: personal injury litigation and claim processing can be very expensive; thus, the most common fee arrangement is a “contingent fee”. These fees may range from 10 % - 40 %. No fee is taken unless there is a recovery.

18. Litigation Costs: These costs include filing fees, acquisition of records, depositions, experts, travel, etc. Cost can be huge and the cost of the litigation must be considered in the evaluation of any settlement or the prospects for any law suit.

19. Mediation: This is a form of "alternate dispute resolution". A search of my blog gets 92 "hits": <http://hunterlawfirm.net/?s=mediation> . Mediation is supposed to be "non-adversarial", but it can still be pretty intense. As a result, most people prefer experienced, innovative, and creative mediators, and most such mediators prefer to keep the disputants in separate rooms. Mediators are usually lawyers or retired judges but can be from other professions such as accounting or psychology or the ministry. The problem there of course is they are inclined to bring their own standards and values to mediation, not legal standards. That's the time you should bring a lawyer, but, alas, often that's when people don't have a lawyer and give up their legal rights accidentally.

20. Medical Malpractice: WV law permits recovery from medical providers who negligently deviate from "the standard of care", with various strong limitations that have diminished medical malpractice claims in WV by $\frac{3}{4}$ in recent years.

21. "Deliberate Intent Claims": are claims against an employer for industrial accidents and injuries that result from egregious behavior ("deliberate intent") and clear violations of industry standards. These claims are over and above Workers' Compensation claims, which are paid regardless of fault, at carefully circumscribed rates and standards.

22. Social Security Disability, and S.S.I (means tested) Disability Claims: are governed by federal law and do not depend on establishment of fault. They do require the claimant to be disabled from all forms of gainful employment available in the national economy.

23. "Whiplash"; this is a demeaning term used by those generally skeptical of hyper-flexion, hyper-extension injuries. The most common event causing "whiplash" is a rear end collision where the injured person's body is driven forward by the seat back and the head, at the end of a slender stalk known as the cervical spine, bends sharply backward before being slung violent forward. The injury is often to the "soft tissue" tendons and muscles what have microscopic or larger tears, and disks or bursa that can bulge or herniate with painful results as they put pressure on radiating nerves. Because such pain is invisible to an observer, insurance carriers often make a huge effort to discredit such claimants, and a relatively few claimants may exaggerate such claims. From my experience, such injuries often result in utter misery, while a good clean break of a bone heals relatively rapidly with little permanency.

24. Impairment or Disability: Impairment is the percentage impact on functionality; disability is the application of that impairment to what the claimant is able to do by education, training, experience, and age. Evaluating impairment and disability requires medical experts, vocational experts, and forensic accountants. It is complicated stuff, but not "rocket science".

25. Frivolous or Junk Lawsuit: This term was defined and refined by President George W. Bush's "meme maker" Carl Rove. I sometimes thought that President Bush thought that every claim ever filed that would require an insurance company or large business institution such as GM to pay a claim was "frivolous" or "junk". Here is my blog search for frivolous: <http://hunterlawfirm.net/?s=Frivolous>

Folks, this is the tip of the iceberg in a complicated subject, but I hope it was some use to you.

Follow the links to the searches I have posted above or just go to my website, www.hunterlawfirm.net. I have written hundreds of articles over 8 years, all of which you can find with a simple "search". Please provide feedback or "Contact" me with your questions.

Burt
J. Burton Hunter III

1. <http://hunterlawfirm.net/?s=umbrella>.

Grim News For a Troubled State: Are There Solutions? (2018-01-24 20:53)

Grim News:

I don't where each of you are right now, but if you're an "outsider", I hope you are not the kind to gloat. If you are, you have someone to look down on. It's we who live in WV.

Last Night I watched "The Legislature Today" on WV Public T.V. New host and format.

They focus is on one subject, so someone who wants to follow particular bills, or the flow back and forth of myriad issues will be disappointed.

It would have been a big disappointment 3 years ago when Thomas J. O'Neill and I were working to pass the WV Family Court Protection Order Act (the bill no one ever heard of [[1](http://hunterlawfirm.net/the-wv-senate-bill-430-now-a-law-that-no-one-heard-of/)]http://hunterlawfirm.net/the-wv-senate-bill-430-now-a-law-that-no-one-heard-of/). That's how I tracked its progress. four

Last night, I finally had to turn it off before learning the identity of the articulate and impassioned young(ish) man who presented to the host slides showing the economic status of the State.

We are lowest by far in percentage of adults available to work. The national average is 63 %. We are @ 50 %, and some states are in the 70's or 80's.

We are highest in opioid deaths, obesity, diabetes, lowest in academic test scores, and pitiful in small business growth, which continues to drop even as gas production jumps, and coal a mild 10 % increase.

As I have mentioned before, but saw in the graph, WV has the highest ratio of "transfer funds" to private income in the United States. That's more welfare, SSD, and SSI, WIIC, and the rest.

Our population is aging, and it is aging terribly, with the worst dietary and fitness habits in the country. As I watch my own church ignore this fact, and host high-carb dinners, candy sales, cookies sales, bake sales, and all the rest, I realize we are caught in a trap. Fear of change, head in the sand, and hands over our ears, except for cable news and the promises of the radical right.

They are pushing a \$7,000,000 expenditure for tuition assistance to public 2 year tech degrees. Not that I disagree with the bill's basic concept. But, it diminishes the idea of a liberal education, and provides nothing for private schools, even their two year programs.

And, as the spokesman for private colleges such as AB, D &E, and WVWC asked, "What about us?" I agree. Why aren't the two year programs ready seamlessly to move ambitious "associate degree recipients" into bachelors' programs, at public and private institutions?

When asked for solutions, the speaker had few reasons for optimism, "We've reached the bottom; it has to get better."

Does it? Are those 2 year students going to drug test? If not, we are throwing away the money.

I was ashamed of my passing thought that Nancy Goodfellow Hunter and I had managed to get our four children into lifeboats, and to learn they had made it safely to shore. They live in areas where there are jobs, development, and hope.

For now, we, of course, are fine. I have carved out an unassailable place, until health or death intervenes. I am the most experienced person in certain areas, and I have adapted to changing times. I will keep fighting for my share of a shrinking pie and trying to help anyone that I can to stay in the boat. (That's what they call a mixed metaphor.)

But what about when the drugs and decay eventually make our home and neighborhood unsafe? Or, when our overworked police, spread thin in this rural area, can no longer protect us, where physical limitations may prevent me from protecting us, or where our society breaks down so much, that people can't pay for even my reasonable fees? What then?

And of course there is "tort reform" designed to take away the little guy's ability to seek recompense when stepped on by the negligent or big guy?

I am so optimistic about our personal life, but I am so sad and pessimistic about the people of this wonderful state?

"Wonderful"? Go visit the Canaan Valley, Smoke Hole Caverns, Seneca Rock, Lewisburg, Shepherdstown, WVWC Campus, downtown Buckhannon, Stonewall Resort, the Cass RR, Blennerhessett Island, or Jackson's Mill or Oglebay Park. Thomas WV, and so much more.

Then go to downtown Salem, Grafton, Sutton, or Wheeling, or anywhere in the Southern Coalfields?

Sorry for the rant, but at this moment I cannot see a path out. We aren't Pittsburgh. Senator Byrd got us much along the Tech Corridor of I-79, and the Eastern Panhandle can pretend its in Va. or Md., but I salute people like Tom O'Niell, Bill Hamilton, who I hope will become our next State Senator, Chairmen Senator Trump and Delegate Shott, who sponsored "our bill", the WV Association for Justice who keeps fighting for the little guy, for consumer protection, for landowners' rights, for access to justice, and for civil discussion of all issues. And the WV State Bar that also fights for "access to justice" for the low and moderate income and high ethical and professional standards for our legal profession.

Shame on those who want to ride Trump's coattails to their personal success. "Bring Back Coal"? How's that working?

We must become physically and mentally healthy, must find opportunity, must have more than a few short-sighted "job skills", must innovate, free up opportunities for small business, use what we have, especially our stunning beauty and hospitality.

Time to get mad, fit, organized, and bi-partisan. Let's vote out the rock-ribbed/headed partisans and get some truly dedicated "militant moderates"!

"Striving to become average" has not been enough in my lifetime.

Perhaps I'll feel better in March Irish Road Bowling on "The Road From Ireland to Wildcat". Yep, I always feel better there.

1. <http://hunterlawfirm.net/the-wv-senate-bill-430-now-a-law-that-no-one-heard-of/>

Why Make Daily Posts to Social Media? (2018-01-17 12:30)

Quick note to friends and family on FB.

I like to post family, pets, scenery, and food, as do many Facebookers. I think I have good examples of all three.

I like to post on politics, religion, philosophy, and what I've learned in the practice of law, and try to make sure I post from a foundation of serious thinking, reading, and watching, with a goal of reaching some common ground, and even consensus.

But, I also post professionally, for three or four reasons:

1. To educate the public;
2. to market myself;

3. to influence my profession; and,

4. to educate people in power, professors, politicians, and judges.

I post to my private FB, to my "Mediation Services" Page, to my "J. Burton Hunter III, and Assocs., PLLC" page, my blog - www.hunterlawfirm.net , to Google+, Linked In, and, yep, even to Twitter.

I write every word myself, so feedback and questions will be appreciated. jbh

Search #8 of My Blogs: "Contingent Fees" (2018-01-08 22:04)

This is search # 8 of my blogs, "Perspectives of a Small Town Lawyer" and "WV Lawyer - Tips and Techniques". This robust blog is for the WV legal consumer. It has 1200 pages and 340 articles and 22 "hits" for the term "contingent fees". Lawyers will perform a variety of services for fees that are not guaranteed, based upon a percentage of the total settlement or recovery.

Key is acuity in selecting, building, settling, or trying the case. Contingency fees can be earned, in personal injury, insurance bad faith, medical malpractice, premises liability, industrial injury ("deliberate intent") and professional malpractice.

But not in family law matters such as child support, alimony, or equitable distribution.

Innovative lawyers are unbundling services, using credit cards, and coming up with other innovations in order to remain relevant to the legal consumer.

Here are some of Burton Hunter's ideas. Search also for "unbundling", "future of the law", "family law", etc. for other ideas. Please write with feedback and questions.

What's with this "search # _ _" format? I have come up with common searches of my blogs and have been sharing them because the rich content should not scroll out of sight because it was written a while ago.

With 45 years of experience, I try to write on subjects that effect the most people. My hope is that people will search for these topics when they encounter serious legal challenges in their lives.

[1][http://hunterlawfirm.net/?s= %22Contingent+fee %22](http://hunterlawfirm.net/?s=%22Contingent+fee%22)

1. <http://hunterlawfirm.net/?s=%22Contingent+fee%22>

6. 2017

6.1 December

Future of the Law: A Selection of My Posts (2017-12-14 21:18)

A Colleague asked me for a list of articles I have written on the broad subjects of "future of the law", "access to justice" and "unbundling of legal services.

Here they are:

[1]<http://hunterlawfirm.net/http://hunterlawfirm.net/more-about-unbundling-a-500-product-that-is-worth-1000/>

[2]<http://hunterlawfirm.net/free-power-of-attorney-annual-legal-checkup/>

[3]<http://hunterlawfirm.net/future-of-the-law-2016/>

[4]<http://hunterlawfirm.net/the-secrets-to-winning-custody-of-your-child/>

[5]<http://hunterlawfirm.net/the-secrets-of-winning-number-ii/>

[6]<http://hunterlawfirm.net/so-you-have-your-child-custody-agreement-now-what/>

[7]<http://hunterlawfirm.net/digging-down-on-organizing-and-preparing-your-case/>

[8]<http://hunterlawfirm.net/time-revise-mediation-wv/http://hunterlawfirm.net/self-represented-mediation/>

Questions and feedback are requested and welcome. *jbh*

1. <http://hunterlawfirm.net/http://hunterlawfirm.net/more-about-unbundling-a-500-product-that-is-worth-1000/>

2. <http://hunterlawfirm.net/free-power-of-attorney-annual-legal-checkup/>

3. <http://hunterlawfirm.net/future-of-the-law-2016/>

4. <http://hunterlawfirm.net/the-secrets-to-winning-custody-of-your-child/>

5. <http://hunterlawfirm.net/the-secrets-of-winning-number-ii/>

6. <http://hunterlawfirm.net/so-you-have-your-child-custody-agreement-now-what/>

7. <http://hunterlawfirm.net/digging-down-on-organizing-and-preparing-your-case/>

8. <http://hunterlawfirm.net/time-revise-mediation-wv/http://hunterlawfirm.net/self-represented-mediation/>

COMPETENCE (2017-12-02 23:55)

Some thoughts on Competence.

Most mornings, I like to stop before I walk out the door, push back in the recliner, brief slowly and deeply, and sort out the day to come. For me it is a form of meditation. As a younger man, if I tried this I would fall asleep for 40 minutes and never catch up. Now I seem to have an alarm in my head.

My eyes pop open at exactly the moment I programmed, so I pop up and walk out the door.

This morning the word “competence” popped into my head. I deal with dozens of people each week. They are potential clients, my staff, my family, my Facebook friends who provide joy to me, and my adversaries.

“Competence” is not to be confused with “competency”. That legal term refers to a person’s legal status. A person may be deemed incompetent because they have not reached adulthood and therefore cannot sign a legal contract, or because they are serving in the active duty military and are presumed to be unable in many situations to protect their own legal rights, they may be incarcerated and unable to appear in court or protect their legal rights, or they may not be oriented to time and place.

I talk about competency in my article [1]<http://hunterlawfirm.net/incompetency-how-can-a-soldier-a-17-year-old-an-inmate-and-a-hospital-patient-all-be-incompetent/> It is also possible for a person to be competent but so frail or aged is to be susceptible to pressures of others.

But the status of being a competent person is something I have thought about a great deal. I deal with certain people were quite able and competent but willing to lie, cheat or even steal to achieve their goals. Another group, just as maddening, are basically good people who cannot prioritize, who can’t say no, to take on too much, or who fall back into this category because of health or other distractions.

I arrived in this world with a number of limitations. Average looks, slightly below average height. Limited athletic ability. Thin skin. Difficulty focusing. But, today a nice lady called me because my former client referred me and described me as a friendly Wolverine! I like that.

I was a 4-H club member for seven or eight years. One strict rule of the 4-H clubs of West Virginia was that we had to take on at least one “project” every year. I believe I sometimes took on more than one. That’s where I got my grounding in the basics of photography, woodworking, forestry, and cooking. Eric Wallace and I once earned a red ribbon (not blue) demonstrating how to make “drop biscuits”. But we beat the two girls we competed against. The 4-H club could be quite “cruel” because they would give you a white ribbon if you performed poorly. My one white ribbon burns inside me to this day.

Since I lived in a world of winners and losers, I learned to detest losing. I’m not a good loser. If you beat me in court, I almost never will come over and shake your hand. I might not even speak to you for a while. Eventually I will come around unless you cheated to beat me.

Since my collection of talents are different from yours and, frankly, for most people, it has been a lot of work over a number of years to put together a system to allow me to achieve my goals. Since I do not have a great rote memory, I have put together tools to gather the information I need, summarize it, and have it readily at hand.

Since my personal form of dyslexia makes it almost impossible for me to find the paper I need when I

need it, they're all spread out in front of me.

Since I hate detail, I spent three hours with my client putting together a very particularized "equitable distribution spreadsheet" of every asset and debt. It is not fun, but I do it religiously. I bring that spreadsheet in my computer to every mediation, adjusting values and balances as necessary so that we always know how close my client is to a 50 % - 50 % division.

We have a rule in our office that nothing goes out of this office without a hook in it. That means we have "a suspense system" taught to me by my Facebook friend Cathy Chipari Page, 45 years ago, setting a date, one, two, or four weeks into the future in order to remind us that document went out and to make sure we take the next appropriate step. That one firm rule keeps our matters moving along.

When we close the file, my staff has to go over a long checklist. Every order dividing a retirement fund, every deed, and every document, must be completed before we can close that file. And the client has to have the option to pick up their file or a digital copy.

I continue in my quest to find the perfect "outliner tool", checklist, task lists, document assembly app., and "voice to text" app. The best are the ones you can't imagine you never had.

Do I want you to give me a "pat on the back"? Sure, but that's not the point of this article. You do not have to like me. You don't have to love me. But I would be gravely disappointed if you did not give me credit for achieving most of the tasks that are set before me. As GEICO says, "It's what I do."

1. <http://hunterlawfirm.net/incompetency-how-can-a-soldier-a-17-year-old-an-inmate-and-a-hospital-patient-all-be-incompetent/>

Family Court Mediation Streamlined – Some Ideas (2017-12-01 22:20)

Family Court Mediation Streamlined – Some Ideas

Author's note: These ideas are mine. I have presented them to the WV State Bar Family Law Mediation Subcommittee and hope they will contribute to some positive change for WV families, and especially children and low income litigants.

I

Memorandum In Support of a Change in the Family Court Mediation Rules

Before we try to rewrite the mediation rules, I would like to state the case in favor of a revision. Our system sets up Litigants in divorce, custody, contempt, and modification cases as "adversaries". These cases are often highly charged with emotion, are emotionally and financially draining, and they can drag on for over a year!

At the end, the parties often truly detest one another, and their children have suffered, only to have a court issue a ruling that isn't tailored to the parties' needs and may be something both sides dislike. It borders on "one size fits all" justice.

Something like 70 % of family court litigants are not represented by a lawyer, and those who are must spend money better used to benefit the family. This is an "access to justice" issue and a pricing issue. There is a better way.

Mediation is a form of "alternate dispute resolution". It can increase "access to judgment", reduce acrimony, allow the parties to control the outcome, and set the stage for a successful "post litigation relationship".

The current rules place artificial limits and restrictions upon innovation and access of justice.

The separation of "children's issue" from property, debt, fitness, and alimony issues places a huge barrier to global resolution of contested family court cases.

Current weaknesses are: 1. Many WV Family Court Judges do not appreciate or understand the benefits of mediation; 2. In those jurisdictions, parties and lawyers are less likely to negotiate successfully; 3. Face to face meetings often deteriorate into failure; 4. Not all lawyers make the effort; And, if parties were good at working out their differences, probably would not be adversaries.

So, here are some suggestions:

1. Educate people on the benefits of mediation.
2. Require family law lawyers to get training in negotiation and mediation. Some may become mediators, but all family lawyers need to know how to be a constructive force in mediation.
3. Require litigants in the vast majority of family cases to participate in good faith mediation.
4. Establish a fund for low income litigants to have mediation, and place a realistic sliding scale, one that allows competent attorneys, with staff and overhead, not practicing out of a their cars, to be mediators, for litigants who are above the poverty line.
5. Set a standard that requires lawyers to accompany their clients this most critical stage of representation.
6. A "contested issue" is a contested issue and should not be differentiated between children's and other issues.
7. Mediators should be expected to draft agreements or memorandums of understanding, signed by both parties, and should file these agreements in the court file with copies to the Court.
8. Barring fraud or coercion, or "good cause", litigants should be held to these agreements as to other contracts.
9. Mediation should go hand in hand with "unbundled services" so that other lawyers can work with parties to prepare them for mediation or hearings without becoming "record counsel". Key to this are clear, understandable, atty/client contracts which establish the limits of these unbundled services in plain language.
10. Guidelines should be established for mediators who mediate for unrepresented parties, not to restrict them, but to help assure there won't be a power imbalance, coerced agreements, or agreements favoring the more assertive or articulate party.
11. Other ideas such as family court arbitration and collaborative divorce should be researched and considered.
12. I question and can't yet recommend "limited law licenses", but I strongly believe the range of services paralegals can supply under the supervision of a lawyer needs to be expanded.
13. Family Court Judges should observe mediations in jurisdictions outside of their own. Until a person has participated in mediation, he or she just cannot understand the dynamic and the potential of such a non-confrontational tool.
14. In jurisdictions where mediation is the norm, cases move quicker and dockets stay clearer. And, even though mediators and lawyers don't work for free, there are drastic costs savings when cases do not have to go to a contested trial, and appeals are reduced.

Mediation Intake Form

What is your name? _____.

Case Number? _____. Date? _____

Do you have an attorney? _____? If so, name? _____

Please confirm you have read and understand the attached mediation information sheet: _____

Please provide a concise list of any unresolved issues between your and the other party: (Examples are, Primary child care, decision making, division of your personal property, of your real estate, or retirement benefits, and of your debts, alimony (spousal support), or other:

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

Assuming you will be permitted to meet in separate rooms by your mediator, and even if you have doubts that you and the other party can resolve your differences by agreement, is there any serious reason such as potential violence or serious health issues that you believe should excuse you from participating in mediation? (Circle One) No. Yes. Other,

specify: _____

Thank you for your information; please add any comments or questions:

III

Revised Rules of Family Court Mediation

These rules supersede former Family Court Rules 38 through 46.

Whereas, family courts are becoming clogged, and our juvenile abuse and neglect system is becoming overburdened.

Whereas family court litigants are suffering problems with access to justice and speedy trial.

Whereas, the former mediation rules were restrictive, unduly pessimistic, and costly to administrate.

Whereas, “the adversary system” often does not work efficiently for families and parents and their children.

Whereas, the benefit of innovation, speed, cost savings, and dispute resolution outweigh the lawyerly compulsion to establish “rules” and “procedures”.

So, therefore:

1. Litigants and their lawyers are strongly encouraged to learn about mediation and participate.
2. Mandatory Parenting Training will add a mediation module.
3. Just as lawyers have many requirements, including the recent requirement for competency in the use of technology, they also will be expected to obtain training in the mediation process, at least as advocates and to educate their clients.
4. Lawyers will be expected to be present with their clients at mediation, which is a critical stage in their representation of their clients.
5. Keeping in mind safety (serious history of domestic violence, drug or alcohol or abuse, sexual abuse), the needs of the parties (young children, large assets or debts, disparity of income of the parties), family courts will have broad discretion in selecting mediators, making referrals, and setting the time limitations, place, and other factors.

6. Family courts may only refer to mediators on the Court Approved list, but must keep a list of all qualified mediators and give litigants to select their own mediator and to make private payment for ones not on the Court Approved list.
7. Barring a motion for good cause, or a stipulation, which should be viewed skeptically by the court, by counsel that mediation will be unhelpful, the family court will be expected to refer litigants to mediation, or in rare instances alternatives such as conflict counseling, or a family or pastor volunteer, as an “alternate dispute resolution mechanism”.
8. Parenting plans will be expected to have an alternate dispute resolution mechanism, usually mediation.
9. There will be no pre-mediation screening, except litigants will be required to fill out a “mediation intake form” for the courts to review prior to the hearing.
10. The Supreme Court of Appeals expects mediation to occur in most, at least 90 % of cases, and to be successful more than half the time. (Good mediators already achieve 80 % and better.)
11. Mediators will follow all previously established confidentiality standards, but they will send a copy of any signed mediated agreement, property settlement agreement, or parenting plan to the court within 48 hours after the mediation, and a report whether mediation was successful, whether each party appeared, and on time, and whether either party or both were obstructive or refused to negotiate in good faith. This requirement will NEVER be used to put undue pressure on a party who simply does not want to agree, or give up a legal right.
12. Mediators will take every reasonable step to assure that agreements are entered into free of threats, coercion, or undue pressure and will ALWAYS caucus with the parties long enough to make reasonable inquiry, and will be expected to make sure the parties have no side deals or “understandings” that are not reduced to writing.
13. Related to these rules are concepts such as “unbundling” of legal service, limited contracts, collaborative divorce and family dispute resolution, and arbitration. These rules do not address such concepts but anticipate that innovative lawyers, judges, and mediators will explore these concepts within existing rules.
14. When the large majority of lawyers and judges and participants find a “rule” unhelpful, that rule should be reevaluated.

I invite any ideas that streamline, widen, and enable collaborative alternative dispute resolution; not so much "naysayers".

6.2 November

Robert M. Morris; a Lawyer for Others to Emulate. (2017-11-21 17:26)

A friend of ours died Nov. 13, 2017. Here are "just the facts". And below are a few of my thoughts from the perspective of a nearly 40 year friendship.

[1]

Robert's Story

Robert Marvin Morris, 70, of Fairmont, passed away Monday (Nov. 13, 2017) at Fairmont Regional Medical Center.

Robert was born on Dec. 31, 1946, a son of the late Marvin Morris Jr. and Mary McCown Morris.

He is survived by his loving wife, Joyce Gibson Morris.

Arrangements are incomplete and have been entrusted to Ford Funeral Home, 201 Columbia St., Fairmont.

In the late '70's, I was appointed by the Lewis County Circuit Court to represent Anthony "Tony" Audia in an alleged armed robbery at Cowger's General Store in Crawford WV. Bob was appointed to represent co-indictee Thurman Dye, aka "Diddie", of Mt. Claire.

Thurman and Tony allegedly had a drug gang. The case itself has lots of interesting twists and turns,

but even 40 years later, confidentiality prevails.

I may have met Bob at the preliminary hearing, where we learned that Mr. Cowger claimed he resisted an effort, through threat of force, to rob him, and as a result the small, but feisty, old man was wrapped in rope, covered with a burlap sack, and struck on the head with a Coke bottle that broke.

We decided to drive together to Crawford to view the scene and interview Mr. Cowger.

We chatted, and chatted. I learned of Bob's service in Vietnam, his devotion to his wife, that they had no children, but he had powerful devotion to looking out for children, as a result of which he was a leader in Big Brothers Big Sisters and a loving uncle.

I shared the essentials of my life, and of course we discussed the troubling case which was going to be an uphill struggle because the men had been promptly apprehended and identified by the victim. **

We chatted all the way to Crawford. I drove past the turn-off from Route 19, and had to turn around and come back.

Mr. Cowger readily spoke with us. I admired the old gent, who was none the worse for wear and had resisted two younger and stronger men in spite of the obvious danger. The kind citizens of Crawford gathered around us, but Bob and I were permitted to "escape" without incident.

Whereupon, I turned the way we came in and drove us "north" for an hour, not!

Actually, we drove together south to Spencer, chatting every minute and not realizing that by turning left, I took us south, the direction from which we arrived when I missed the turn on the way in!

That began a life of friendship in the context of our legal careers. Bob and Joyce never moved from Fairmont, where Joyce was a highly regarded, and awarded, Reading teacher, and we have lived in Buckhannon for 41 years.

In 1979, I received a call from Weston lawyer John S. Holy, who was in need of triple bypass heart surgery and someone to mind his practice while he was away. I decided that my time with Rexroad and Rexroad had run its course, having arrived the week of July 4, 1976 from Griffiss AFB Legal Office, Rome NY, after four years in the JAG Corp.

After a year, John returned, fit and ready for another 18 years or so in the practice of law, which he did into his 90's. His office was running smoothly, and my confidence, was increasing.

By then, Bob Morris was my best friend in the practice of law.

I courted Bob for many weeks and sold to Mr. Holy the idea of Holy, Hunter, and Morris. Bob approached the decision of whether to leave Russ Stobbs with the same methodical care he approached everything. It almost drove me nuts, but finally he assented, and we spent some very pleasant time together, with congenial meals, collaboration in cases, and a joint devotion to our aging partner who we felt was our legal grandpa. Bob developed the knack of mimicking John's commentaries of the world, to great effect.

Bob and Joyce "adopted" the Holy's including arranging and managing each of their funerals. Joyce was Bob's perfect life partner; gentle, funny, and devoted. Our prayers are with her now.

Finally we parted, as Bob and John considered spending \$7000 on an Apple II personal computer and NEC printer to be a foolish endeavor, and I considered their 7 year old IBM Mag Card, to be a dinosaur, which needed to be put out of its misery. Wrong! It lasted much longer than our partnership!

But, we still attended seminars in Charleston together, collaborated, lunched, and chatted. I loved getting the calls, hearing the sonorous voice, "Mr. Hunter, Robert Morris here." Never; "Hi Burt, this is Bob!" When the other called, we each tried very hard to be of service. It was as if our firm still existed.

He would call me about personal injury, family, and civil matters, and, after he became assistant prosecuting attorney, I would call him on juvenile, criminal, and real estate matters.

Bob was honest, caring, smart, meticulous, dutiful, serious about his craft, witty (especially at serious moments such as funerals), diligent every day of his life, well-liked by colleagues, friends, and family, but very private.

He was "old fashioned" in the very best way. The kind of person people relied on. His judge Thomas Keadle confided Bob was his "go to" guardian ad litem, when someone under a "legal disability", infant, incarcerated convicted, on incompetent, needed a guardian in the law.

He refrained from self promotion. Just try to find him as Robert M. Morris, or Robert Marvin Morris on Google. Yet, when we tackled a case together, it was a most effective team. We shared our ideas, laughed, compromised, and moved forward. We shared some nice fees, and licked our wounds quietly.

I feared for the worst when I heard his diagnosis, was still startled when he retired on two days' notice, and my heart sank when Bob was not able to attend the funeral of our law partner's wife, Mary Jo Holy, in early October of this year.

Bob and I spent 20 years or so organizing the Lewis and Upshur Bar meetings, especially joint meetings. If he said he would do something, he did it. Like the GEICO commercial. It's what he did.

We were "put out to pasture" 20 years ago by the younger lawyers, so thus ended all but a tiny few bar gatherings. Many senior lawyers in Lewis and Upshur moved on without any ceremony from their peers. I write this partly because there will be no such event for Bob. Yet, I dare you to try to find a Lewis or Upshur County lawyer who thinks he doesn't deserve it.

We were "old-fashioned", raised by members of the WW II generation, and bound in tradition. John in fact was a 40 year old WW II air craft mechanic who attended Law School thanks to the G.I Bill. Bob didn't change. I have tried to embrace change. But that didn't detract from the fact that we loved the practice of law, loved our clients, friends, and families, and loved one another as brothers in the law.

* Footnote: Not to ruin it for you, but after we lost our respective trials, we each appealed. to the WV Supreme Court of Appeal and lost. But Tony's case was written up in Lawyers' Co-op's Annotated Law Reports (ALR) as a classic in how NOT to conduct a lineup. That evidence was excluded, but the Court ruled that there was plenty of other evidence to convict. Sorry Tony and Thurman.

1. <http://hunterlawfirm.net/wp-content/uploads/2017/11/BobMorris.jpg>

INTRODUCTION

I am pleased that we have begun a dialogue within the WV State Bar regarding mediation and other innovations in family law justice and administration. Below are the four components of my thoughts, personal views only; 1. A memorandum espousing innovation in mediation and family law practice. 2. A "Mediation Basics" instructional handout to be read and signed by every family court litigant; 3. A "Mediation Intake" form; and, 4. A very rough draft for new family court mediation rules.

Memorandum In Support of a Change in the Family Court Mediation Rules

Before we try to rewrite the mediation rules, I would like to state the case in favor of a revision. Our system sets up Litigants in divorce, custody, contempt, and modification cases as "adversaries".

These cases are often highly charged with emotion, are emotionally and financially draining, and they can drag on for over a year!

At the end, the parties often truly detest one another, and their children have suffered, only to have a court issue a ruling that isn't tailored to the parties' needs and may be something both sides dislike. It borders on "one size fits all" justice.

Something like 70 % of family court litigants are not represented by a lawyer, and those who are must spend money which could be better used to benefit the family.

This is an "access to justice" issue and a pricing issue. There is a better way.

Mediation is a form of "alternate dispute resolution". It can increase "access to judgment", reduce acrimony, allow the parties to control the outcome, and set the stage for a successful "post litigation relationship".

The current rules place artificial limits and restrictions upon innovation and access of justice. The separation of "children's issue" from property, debt, fitness, and alimony issues places a huge barrier to global resolution of contested family court cases.

Current weaknesses are:

1. Many WV Family Court Judges do not appreciate or understand the benefits of mediation. In there defense, one must attend some mediation with a talented mediator and good counsel to appreciate the magic that routinely happens there.
2. In those jurisdictions, parties and lawyers are less likely to negotiate successfully.
3. Face to face meetings often deteriorate into failure. Some are downright ugly.
4. Not all lawyers make the effort; And, if parties were good at working out their differences, they probably would not be adversaries.

So, here are some suggestions:

1. Educate people on the benefits of mediation.
2. Require family law lawyers to get training in negotiation and mediation. Some may become mediators, but all family lawyers need to know how to be a constructive force in mediation.
3. Require litigants in the vast majority of family cases to participate in good faith mediation.
4. Establish a fund for low income litigants to have mediation, and place a realistic sliding scale, one that allows competent attorneys to be mediators, for litigants who are above the poverty line.
5. Set a standard that requires lawyers to accompany their clients this most critical stage of representation.
6. A “contested issue” is a contested issue and should not be differentiated between children’s and other issues.
7. Mediators should be expected to draft agreements or memorandums of understanding, signed by both parties, and should file these agreements in the court file with copies to the Court.
8. Barring fraud or coercion, or “good cause”, litigants should be held to these agreements as to other contracts.
9. Mediation should go hand in hand with “unbundled services” so that other lawyers can work with parties to prepare them for mediation or hearings without becoming “record counsel”. Key to this are clear, understandable, atty/client contracts which establish the limits of these unbundled services in plain language.
10. Guidelines should be established for mediators who mediate for unrepresented parties, not to restrict them, but to help assure there won’t be a power imbalance, coerced agreements, or agreements favoring the more assertive or articulate party.
11. Other ideas such as family court arbitration and collaborative divorce should be researched and considered.
12. I question and can’t yet recommend “limited law licenses”, but I strongly believe the range of services paralegals can supply under the supervision of a lawyer needs to be expanded.
13. Family Court Judges should observe mediations in jurisdictions outside of their own. Until a person has participated in mediation, he or she just cannot understand the dynamic and the potential of such a non-confrontational tool.
14. In jurisdictions where mediation is the norm, cases move quicker and dockets stay clearer. And, even though mediators and lawyers don’t work for free, there are drastic costs savings when cases do not have to go to a contested trial, and appeals are reduced.

Family Court Mediation Basics

1. The process of family court litigation is usually stressful and can involve considerable expense and delay. It is a fact that a litigant should have legal representation, and you are encouraged to do so.
2. Many people do not. Mediation may be even more important for the self-represented party than one with a lawyer. If you have a lawyer, she or he should be experienced in mediation negotiation. Many family courts refer litigants to a family court mediator. Mediation is a process which permits the parties, with the help of a facilitator or “mediator”, to address the issues which separate them, and to resolve the issues by themselves.
3. Mediators are often, but not always, an experienced family law attorney. You should specify whether you prefer that your mediator be a lawyer.
4. Mediation permits parties to find solutions that the Court cannot provide, and avoid a decision imposed on them from above by someone who doesn't really know your or your children, and who will have a relatively short time to evaluate your evidence and render a decision.
5. Unless you have a serious reason (and skepticism or pessimism doesn't count), the Court is going to refer you to a mediator. The Court can only refer you to a mediator who is on the Court approved list.
6. These are lawyers, and occasionally non-lawyers such as a child psychologist or counselor, who have taken mandatory training and have agreed to accept payment under a sliding scale, based on the parties' abilities to pay.
7. The Court will apply that scale to your case and apportion the costs between you, usually based on your respective incomes. Mediators may require an advance deposit, so be sure to call her or him. Missing your mediation session may have dire consequences.
8. There are attorneys who offer mediation services who are not on the court approved list. These attorneys set their own fees. You and the other party can agree to use one of these lawyers, if you feel he or she will be particularly suited to your case. The Court can only refer you to mediators on the Court's list.
9. You should prepare for mediation much as you do for your final hearing (trial). You should document your debts, as of your date of separation and as of the date of mediation, and know and document your assets (personal property such as cars and furniture; real property such as house or farm, and retirement benefits such as a 401K plan or pension).
10. If alimony (spousal support) is an issue, read the alimony statute, West Virginia Code - Sections: 48-6-301, 48-8-104, and make a list of relevant facts (Length of marriage, relative incomes, age and health of parties, fault, etc.) Family cases other than divorces have other evidentiary requirements.
11. You should have completed and filed a proposed parenting plan, setting out your proposed allocation of time with your child/ren, including school time, overnight time, holidays, and summers, and the sharing of decision making and full access to your child/rens' records of all kinds. **BRING EVERYTHING WITH YOU TO MEDIATION!**
12. If there is a serious history of violence or health risk, you will be permitted to explain that on the mediation intake form. No one is expected to put health or safety at risk, but please consider the benefits of being the architect of your own agreed parenting plan or property (and debt) settlement agreement.
13. Courts are often happy to expedite a final hearing if all issues have been resolved. That frees the litigant to begin the next phase of her or his life. And it spares expense and delay, and promotes the welfare of children. Think about it, and good luck!

I certify that I have read, or had read to me, this statement of the basics of family court mediation, and I believe I understand it.

Signature: _____ Date: _____

Mediation Intake Form

What is your name? _____ Case Number? _____
Date? _____

Do you have an attorney? _____? If so, name? _____

Please confirm you have read and understand the attached mediation information sheet: _____

Please provide a concise list of any unresolved issues between your and the other party: (Examples are, Primary child care, decision making, division of your personal property, of your real estate, or retirement benefits, and of your debts, alimony (spousal support), or other:

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

Assuming you will be permitted to meet in separate rooms by your mediator, and even if you have doubts that you and the other party can resolve your differences by agreement, is there any serious reason such as potential violence or health issues that you believe should excuse you from participating in mediation?

(Circle One) No. Yes.

Other, specify: _____

Thank you for your information; please add any comments or questions:

Signature: _____
Date: _____

Revised Rules of Family Court Mediation

These rules supersede former Family Court Rules 38 through 46.

Whereas, family courts are becoming clogged, and our juvenile abuse and neglect system is becoming overburdened.

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So, therefore:

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12. Mediators will take every reasonable step to assure that agreements are entered into free of threats, coercion, or undue pressure and will ALWAYS caucus with the parties long enough to make reasonable inquiry, and will be expected to make sure the parties have no side deals or “understandings” that are not reduced to writing.
13. Related to these rules are concepts such as “unbundling” of legal service, limited contracts, collaborative divorce and family dispute resolution, and arbitration. These rules do not address such concepts but anticipate that innovative lawyers, judges, and mediators will explore these concepts within existing rules.
14. When the large majority of lawyers and judges and participants find a “rule” unhelpful, that rule should be reevaluated.

6.3 October

"To Everything There is a Season" (2017-10-19 18:28)



Just a few minutes before leaving for the funeral.

Contemplating the passing years.

I will get back to “how to” and informative postings soon enough. Today, Monday, Oct. 16, 2017, our Blue

Ridge Parkway vacation was extended by a day so we could attend the funeral of a dear friend. Tomorrow we will be “back at it”, with several appointments, mediations, hearings, trials, and new challenges facing us before this year is out. So, this evening we spent some time in contemplative thought.

What a blessing to have a staff, a wife, and a house/pet sitter who allow me to step back for a week and simply enjoy our wonderful life.

Below are some pivot points in my life. It’s not like we don’t have beauty and tranquility around us. We are blessed in that regard, but we do have quite a busy life, without the time simply to contemplate.

[2]



Our Pond and Our Deer



1. The Sunday before we left, the congregation had an emotional laying of hands on our courageous pastor whose husband faces a grim medical prognosis. Prayers for her and her husband.
2. We had a serendipitous trip, North to South, 450 miles on the Blue Ridge Parkway, with the only downside being we couldn't include a visit with our only daughter Laura.



Blowing Rock N.C.





Above and below are views from the Va. Section of the Blue Ridge Parkway.



3. A nice coincidence permitted us to visit each of our sons and daughters in law and grandchildren, two of whom played soccer on adjoining fields, 30 minutes apart.

4. We had a two day visit with those same grandchildren and their parents, where we actually found time for some serious conversation. We are immensely proud of our mature and capable children, who are meeting their own responsibilities with great resolve.

5. We were reminded that we cannot take good health and good fortune for granted; and that our grandchildren will face the challenges that we and their parents faced, but in a world of accelerating change.

6. Lots of good food, at the Inn at Peaks of Otter, The Switzerland Inn, The Village Inn at Blowing Rock, and the Balsam Mountain Inn.



Above and below are Nancy at The Peaks of Otter in Va.

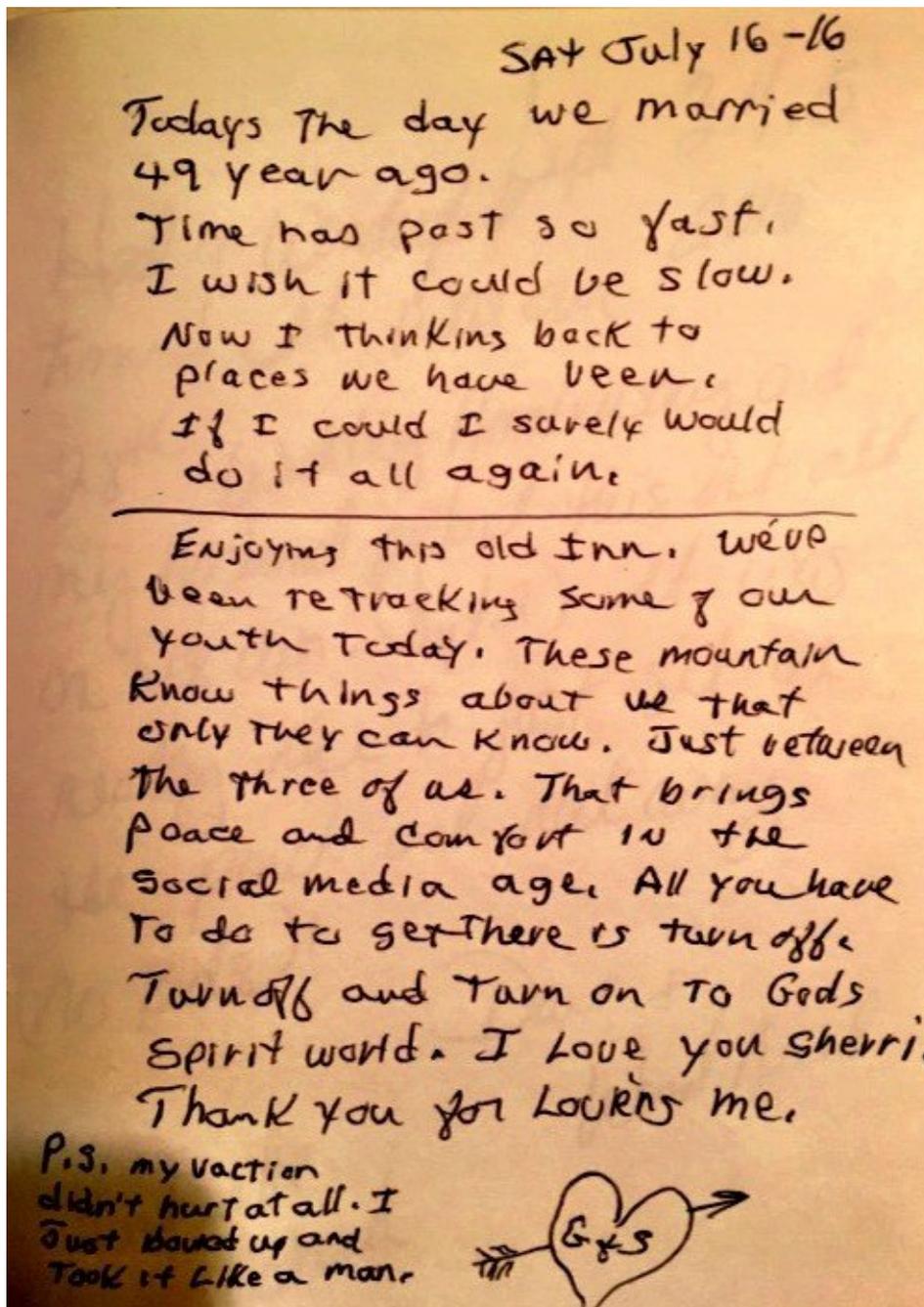
And the Balsam Mountain Inn in Balsam, N.C., circa. 1907

[6]



7. The host of the Inn at Balsam has somehow reprieved the past while supplying the comfort and sumptuous food that modern travelers expect. Comments in the room's guestbook brought tears to our eyes; here are two, one from a woman travelling with her husband on their 60th anniversary and another a loving husband writing of their 49th anniversary vacation. Note his last comment,

"P.S. my vacation didn't hurt at all. I just stood up and took it like a man."



Above, celebrating 49 years together, and below 60.

Sunday 9-13-15

The year was 1947 (most people reading this were not even born yet). I came from Miami, Florida by train with my mom, Natalie Johnson and aunt Meme Brown. We were picked up at the Balsam Depot (train stopped coming here in 1955). When I saw this place I thought I had arrived at a mansion - as any eleven year old girl may have thought.

Natalie & Meme were my close sisters and being here I feel their presence as I walk the hallways.

The smell of the Balsam trees are still present. I am so happy the owner Maxville T. has brought this place back to life.

May God bless all who linger here and find the quiet and peacefulness of this great old building.

I am now 79 years old and feel like a girl again just being here with my dear husband celebrating our 60th Anniversary.

Sorry, I am not a poet or songwriter but I am one who greatly appreciates this bit of heaven.

Safe journey to all.

Betty Jean Johnson
Stein

most of Europe. It killed 50 % of the population, 75,000,000 people, and profoundly changed the world. The feudal system, nobles, clergy, and serfdom gave way to changes in the economy, politics, opportunity, and the emergence of the modern world and scientific thought. That's a gross over-simplification, but it's a story everyone should hear.

9. We listened to another dozen hours of "**No Ordinary Time**", the Doris Kerns Goodwin biography of FDR's and Eleanor Roosevelt's service to their country on the home front in WW II. One of the best books we ever read. 26 hours in, and 13 remaining. They made some mistakes, but their efforts, in collaboration with Winston Churchill and Stalin's Russia, literally saved the civilized world.

10. On our first night at home, we found a Netflix streaming movie, "**Our Souls at Night**", starring Robert Redford and Jane Fonda, who find one another while in their late 70's and deal with deep scars and pain from "complicated" pasts. The movie was also poignant for me because "Hanoi Jane" is a serious, talented, actor, a person who has grown and learned some things in her journey of life. Redford, The Sundance Kid, likewise is a "Lion in Winter".

11. We received messages while we were on the road, and learned of the funeral of the 97 year old widow of my former law partner. It has been nearly 40 years since he called me and invited me to watch his practice while he went in for heart surgery. At the funeral, we had a reunion with a dear friend whose husband, also a great friend and former law partner, is struggling with his own health issues.

12. a. Today I heard from a high school friend, who I was sweet on, who has fought back from a second round of cancer, now in remission. Cancer is "The Emperor of Maladies", and we should pray for the skills and brilliance of the researchers and providers who are combatting it.

12.b I supplement Para. B, because her call prompted me to call our old Sunday School Teacher Bill. He was sad as he had decided he could not make the drive with his two adult children to the wedding of his Granddaughter. He lost his dear wife of many years, Cathy, and was pretty down. I got him to tell me some of his new "jokes", which he always has ready. Yesterday he called to say that in spite of myriad ills, he met with his doctor and got clearance for the 10 hour drive. He is at this moment perhaps climbing into that car in spite of serious symptoms of congestive heart failure. Go Bill! And prayers.

13. All in all, the decades marched by for us this week, reminding us that another ten years of busy employment will be more than most people get, and a healthy life after that will be great good luck and a wonderful accomplishment.

14. And, since I didn't want to end on para. # 13, here are a few more shots from a memorable time. Memories only as we are now "back at it".

jbh

[8]





Above, the window seat in Room 317 of the Balsam Mtn. Inn;

below, the dining area.

[10]





[12]



The Aquarium in the Pat Boyles' Funeral Home, Jane Lew, WV

1. <http://hunterlawfirm.net/wp-content/uploads/2017/10/Enhanced.uncropped.10.17.2017.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2017/06/Pond.6.2.2017.jpg>
3. <http://hunterlawfirm.net/wp-content/uploads/2017/10/From-Blowing-Rock.jpg>
4. http://hunterlawfirm.net/wp-content/uploads/2017/10/BlowingRock2.Burt_.jpg
5. <http://hunterlawfirm.net/wp-content/uploads/2017/10/Cloud3.jpg>
6. <http://hunterlawfirm.net/wp-content/uploads/2017/10/BalsamMtnInn-2.jpg>
7. <http://hunterlawfirm.net/wp-content/uploads/2017/10/60th.10.15.2017.jpg>
8. <http://hunterlawfirm.net/wp-content/uploads/2017/10/RoomPano.jpg>
9. <http://hunterlawfirm.net/wp-content/uploads/2017/10/BalsamMtnInnNancy.jpg>
10. <http://hunterlawfirm.net/wp-content/uploads/2017/10/BalsamMtnInn3.jpg>

11. <http://hunterlawfirm.net/wp-content/uploads/2017/10/BalsamMtnInn2.jpg>

12. <http://hunterlawfirm.net/wp-content/uploads/2017/10/BoyleAquarium.jpeg-1.jpg>

6.4 September

Tying Together "Unbundling" of Legal Services (2017-09-27 19:10)

[1]

382



(Adding Landlord Tenant Disputes to the Unbundling Package)

Life is often chaotic, with unforeseen setbacks along the way. If you are injured by the fault of an other, no problem here; **a lawyer, this one included, will always be happy to meet with you in a serious injury case.** But what about the case that isn't "contingent fee"?

As my cousin's sons who write of their days escorting rafters through Class 4-5 whitewater, **I see myself as a guide through the chaos.**

But, what do you do if you plan to use your own kayak! And what do you do if you think you cannot afford a guide, or you bravely think you don't need a guide? Or you might use a guide, but you want plenty of information first!

That is EXACTLY why I have devised my "robust consultation" for just \$500; no strings, no more, unless you choose to.

This is not the "free legal consultation" which is often a joke, but by its very nature is just a 15-30 minute chat, usually by phone. Don't get me wrong, 15 minutes on the phone with me will NOT be wasted, but it's not a "legal check-up" or "robust consultation". I welcome such calls, and will be happy to chat, but many matters need something more "robust".

This summer I added a ten minute video and blog article to my explanation of unbundled legal services. Here's the link, but it will take you awhile. [2]<http://hunterlawfirm.net/more-about-unbundling-a-500-product-that-is-worth-1000/> I suggest you skip it for now and come back if you need more.

Just try finding a lawyer in your small town or city to help you on a landlord and tenant dispute. You will, almost certainly, be sent to the magistrate's office, whose staff "is not allowed to give you legal advice".

So, today I took advantage of a free WV State Bar sponsored three hour seminar on Landlord and Tenant Disputes and received 66 valuable pages, statutes, case law, tips and techniques. I can share its content and so much more; a lifetime of negotiating the rocky legal twists and turns.

That gives me one more subject that I can address for the client who tries the lowest cost, most option filled, portal to getting help from a real, live, local, experienced, lawyer!! Here I am, and here below are some reasons for starting with the \$500 product.

[3]





1. You have been thinking about, or your spouse is threatening, a divorce. Or your former spouse is talking about taking you back to court. What planning can you do?
2. You and your spouse have decided to divorce, but you think you have most things worked out and don't want to hire lawyers; well, come to me in the role of mediator!
3. You just got a notice that you have to move because the landlord thinks you have a pet, or you can't get him to repair your furnace, or you think your landlord is entering your home when you aren't there.
4. You've been thinking of getting a will, want to "avoid probate", have heard of a "living will", don't have a medical power of attorney, and don't know very much about auto and home insurance. Sure you can get online and read something written by someone who isn't from WV and isn't accountable to you, or you can visit a local lawyer for a small fixed fee.

5. You and your wife have been married awhile, have teen-agers, a house, and a 401K, and have never even met with a lawyer!! You are flying in the dark without radar.
6. You and your neighbors appear to be headed into an intractable dispute and litigation is looming.
7. Your "ex" hasn't paid child support in 14 months or visited or even sent a birthday card for two years, and your spouse is "the only father/mother the child knows". Is Adoption an option. But what if it has been eight (8) and twelve (12) months instead?
8. You have a court ordered parenting plan, but the child's been living with you this school year? Can you get your plan modified?
9. It's six months post divorce and you think your spouse is going to be offered a job with NASA in Ca.! How can you impact your chances of being able to move there with your child from a prior relationship?
10. Grandfather worked hard and saved a few hundred thousand, has a farm, and a gun collection and a. He has a 60 year old "girlfriend"; your druggie cousin has been "hanging around" or his niece want him to move to Fla. to live with her and her alcoholic husband.
11. Worse, grandfather passed, and his will leaves a million bucks to your druggie cousin when you KNOW that's not what he wanted.
12. You are a single woman, and that creepy neighbor just won't leave you alone.

Let's not kid ourselves. The fight over a millions dollar inheritance or lawsuit over whether you can take \$200,000 worth of timber out the right of way past your neighbor's house, will cost a lot more than \$500 IF you hire a lawyer, but two wills, a general power of attorney, and a medical power of attorney will not. Nor will the plan to prepare for the divorce, to position yourself for that adoption, or to lay the grounds for that custody modification. And, if the only weapon you have is a pocket knife, wouldn't you rather have that than nothing when chaos comes knocking?

Burton Hunter is ACCESSIBLE; he's easy to talk with; he's articulate, funny, and filled with 46 years of anecdotes, examples, war stories, and "what if" scenarios. He may eventually quote a much larger retainer, but you will know why, what you are going to get, what the risks are, and what your odds are.

That's the beauty of "unbundling". It may solve your problem, but even if it doesn't, all your options remain open, and you haven't "broken the bank".

jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2017/01/BurtStairs.jpg>
2. <http://hunterlawfirm.net/more-about-unbundling-a-500-product-that-is-worth-1000/>
3. <http://hunterlawfirm.net/wp-content/uploads/2017/04/DeskSpreadFullSizeRender.jpg>
4. <http://hunterlawfirm.net/wp-content/uploads/2017/02/BurtsMessages1.jpg>

6.5 July

So You Have Your (Child Custody) Agreement: Now What? (2017-07-23 15:11)

[1]



Author's Note: this article was inspired by a nervous client who concedes the parenting plan we negotiated for her is a pretty good one but who knows it will be violated. That was the path of their last mediated agreement, with the result they were back in court within six months! Is there a path to avoid that? Often there is, and most people do not take it!

Author's new note: March 17, 2020; I received a note from Johnathan praising this article, noting

the link to "Our Family Wizard" and offering this comprehensive article from "Broadband Search" on important issues including the "bad" or potentially bad sites available to your children. I now share that link, with sincere thanks: [2]<https://www.broadbandsearch.net/blog/apps-social-media-online-safety-p-arental-awareness?msID=44b73d1c-1b08-415c-997d-8ba5c814765e>

All too often, a mediator and the parties' lawyers guide the parties to an agreement by predicting the likely rulings of the court, describing existing law, and nudging them in the right direction. But what about enforcement, and just making parenting plans work?

Typical violations are the failure of a parent to participate in counseling or take the required video parenting class, failure to keep the other party informed on matters directly relating to the child's welfare, failure to exercise the time that they asked for strongly during mediation, and poor communication, including insults and accusation.

Of course there are also "the big three", substance abuse, alcohol abuse, and domestic violence. I will save them for another post. This post is for functioning adults who can have a successful parenting plan if both want it.

While I have always done some of the things set out below, I pull some ideas together here, so my client, and others like her, will not be back in court in six months!

I urge my client to read and take to heart my post "Winning Your Child Custody Case" [3]<http://hunterlawfirm.net/the-secrets-to-winning-custody-of-your-child/> and "More about Winning Your Custody Case". [4]<http://hunterlawfirm.net/the-secrets-of-winning-number-ii/>

At the heart of those articles, and my 19 recommendations, is the great wisdom of "The Golden Rule", "Do unto others as you would have others do unto you."

I explain to my client that transparency is essential. If she is going to travel out of the State of WV for a short vacation, or even a trip to Kennywood, and swears the child to silence because she doesn't want to have grief with the other side, grief she will get as soon as he learns of the deception. It is better to deal with such things head on, and it is forbidden to order your child to keep secrets.

By keeping the other parent informed, preferably in writing, of every important aspect of the child's life, goodwill will be generated, and a record compiled if needed for court.

Kindness often generates reciprocal kindness, but when it does not, the pattern can be seen and proven to the court in subsequent proceedings.

Assuming the client has read the "winning" articles and **absorbed my way of approaching problem solving (search "Digging Down" in my blog)**, here are my tips for the person who is expecting trouble:

Read, understand, commit to memory, and keep with you, your written parenting plan or court order.

Please be sure your attorney gave you copies of the "modification statutes", which have very specific requirements. [5]<http://hunterlawfirm.net/how-can-i-get-my-childrens-parenting-plan-modified/> .

With a difficult person, always communicate in writing, by text, or email, and in certain situations "snail mail". Save those communications. Do not ever let any of them disappear into the ether. Even irrelevant

things, if missing, will take on a sinister aspect.

We have begun to utilize the app "My Family Wizard" [6]<https://www.ourfamilywizard.com/por/courts> , and in two instances my client has reported that she likes it. It allows for uploading of medical records and school class assignments, coordinating transfer points, documenting communication, setting of doctors and dentist appointments, etc. Everything goes through "The Wizard".

Do not let violations slip by, but do not overreact. If the other parent shows up 10 or 15 minutes late to transfer points two or three times, write a formal email "Dear ____, dated ____, sincerely, your name."

Don't threaten or bluster; cite to your parenting plan and ask her or him to comply. And track in your journal or "The Wizard" whether they do.

Repeat and serious violations should generate a letter, but send it regular mail and certified mail with a return receipt card, with a document clipped to the back called a "certificate of service" certifying that you sent the attached letter by regular mail and certified mail, and keep the return receipt card.

If the other side refuses to accept the letter, but the regular mail does not come back, the court will conclude that they received it. That is why I always send formal communication with both mail types with the certificate of service.

If the violations continue, send another letter, again cite the violation by page and paragraph, but quote the "alternate dispute resolution mechanism", mediation, and tell the other side that one more violation will cause you to schedule mediation, which will cost you each \$'s!

If problems persist, activate the mediation provision". Note: you will have to figure out the proper balance of patience, persistence, and action. The key is to act timely and appropriately at each step. And you will have to follow the right procedures to schedule and notice mediation.

My best estimate is that out of 50 recent contempt cases, I did not find five people who activated the mediation provision before they came back to me. What are people thinking?! The parenting plan is written to be followed, but to be followed by both sides!

You may decide to attend mediation without a lawyer, but the best \$500 you can ever spend is a \$500 "robust consultation" with a good lawyer (me) reviewing your actions to date, making sure you have documentation, and deciding whether to give the other side "just one more chance."

Of course. serious acts such as child abuse or sexual abuse require immediate action such as reporting at the Child Protective Services, taking the child to the emergency room, filing an emergency ex parte petition or motion for expedited relief, and even reporting the offense to the police.

IN SUMMARY, you must have your own plan if you want your court ordered parenting plan to work. But do everything in the spirit of "The Golden Rule."

jbh

2. <https://www.broadbandsearch.net/blog/apps-social-media-online-safety-parental-awareness?msID=44b73d1c-1b08-415c-997d-8ba5c814765e>
3. <http://hunterlawfirm.net/the-secrets-to-winning-custody-of-your-child/>
4. <http://hunterlawfirm.net/the-secrets-of-winning-number-ii>
5. <http://hunterlawfirm.net/how-can-i-get-my-childrens-parenting-plan-modified/>
6. <https://www.ourfamilywizard.com/por/courts>

MORE ABOUT UNBUNDLING (A \$500 Product That is Worth \$1000) (2017-07-07 13:53)

[1]



I admit that I have been obsessing on one issue, which is the disparity between WV people who need, but do not think they can afford, legal services and the West Virginia small firm lawyers who need work. I have several ideas how to bridge the gap, and “unbundling” of legal services is one of them.

There are lots of lawyers ready to help someone injured by a negligent, insured, “tortfeasor”, but the pool of such cases is getting smaller. Our firm does this work and will be happy to “audition” for your personal injury case. This work is performed on a “contingent fee basis”, so you do not pay unless there is a recovery. I have many blog articles on these kinds of cases. Just search in [2]www.hunterlawfirm.net for “personal injury”, “insurance”, “negligence”, “industrial”, or “malpractice”.

But, in many other kinds of conflicts, there are people every day who truly need help but don’t get it. An example is family court where something like 70 % of litigants “fly blind”. They, at best” get a “one size fits all” abbreviated form of justice, and, at worst, can lose, or pay, valuable alimony payments, real or personal property, retirement benefits, and even primary custody of their children. Self-representation is a high-risk venture, and it is not less so because the circuit clerks will sell you “do it yourself” packets, which falsely imply that using the forms will protect you. They won’t.

I believe that the product I am going to describe here, and in some detail in the video which you will find at the following location, [3][https://www.youtube.com/watch?v=zh8VkJqA-IA &t=82s](https://www.youtube.com/watch?v=zh8VkJqA-IA&t=82s) , provides, at the very least, \$1000 in value for the \$500 flat fee I charge. But, there are important questions that any attorney who offers “unbundled legal services” needs to answer correctly

For example, do younger, less experienced, or less innovative lawyers have a sufficiently valuable product to unbundle? I suggest that unless they are willing to do thousands of dollars’ worth of “groundwork”, the answer may be, “No.”.

For now, I believe “unbundling” will work only for the passionate innovator, the person who builds enough value into the product being sold that no reasonable person can question the ethics of the process or the value of the product.

Unbundling requires a careful description of its benefits and, especially, **its limitations**. No one should think that they get the equivalent of an experienced, aggressive, competent attorney for one small flat fee. “Ain’t gonna” happen!” And while “tutoring” from an experienced lawyer make help confirm the phrase, “In the land of the blind, the one-eyed man (or woman) is king”, it will NOT turn you into a lawyer. This product is for the person who perceives that he/she/they have no other choice.

And, fair warning, many of the people who come to me for a “robust consultation”, when they see the outline of the challenges ahead, work with me in a plan so that I can become their record counsel. Properly done, the consultation stage can apply directly to the “representational stage” if that’s where the client decides to go.

While “unbundling” may be a bit avant-garde in West Virginia, it is strongly promoted by the American Bar Association “Future of the Law” committee. I recently listened to a podcast interview of the chair of that committee, and I felt as if I were in the choir listening to the preacher. Amen.

Here are some of the people who can benefit from unbundling legal services:

1. A young mother, victim of abuse, stay-at-home, no job, with children to protect or a young father who perceives what he is losing and wants to remain relevant this children's lives.
2. The person being sued for contempt.
3. A person with a "difficult neighbor" on issues related to their common boundary line, right-of-way, overhanging tree, loud music, or barking dog.
4. A relative of an older person who is being unfairly influenced or abused or defrauded, or who has passed away, with questions about their protection, their will, their wishes, or heirship.
5. Any couple, or group of people, or even group of organizations, who are having trouble communicating and who could benefit by a facilitator or "mediator".

Lawyer - mediators can draft legal agreements or orders just as "unbundled consultants" can. A colloquial term for assisting a person to prepare a document for their own signature is "ghost writing". The difference is important. The mediator represents neither party, and his/her ethical duty is to the process of permitting the parties to reach their own decision. The "unbundled consultant" has loyalty to the person who hired him, and his existence NEED NOT EVEN BE KNOWN to the client's adversary.

Other examples that come to mind of people in conflict are churches in crisis, parent-teacher organizations, parents in youth sports, neighbors, families, heirs, and even friends. It would be nice if the default in such controversies was "Why don't we find a good mediator?" The presenter in our last CLE seminar opined that one of her favorite mediations ever was "265 angry jews in a synagogue".

At the very minimum, our "unbundled full consultation" includes providing the client with blog articles I have authored, copies of court rules, sometimes "The Rules of Evidence" or "Rules of Civil Procedure", applicable statutes, WV Supreme Court Decisions, family court forms, instructions on organizing the facts in your case, and drafting everything from a will, to power of attorney, divorce property settlement agreement, simple pleading, or parenting plan or order.

You will leave such a consultation much more aware of the pitfalls and challenges ahead, and perhaps a new appreciation of what a good lawyer does to represent a client. For those who can afford nothing more, such "unbundled" services can be a godsend.

If you are a casual reader, you may stop now, **but if you very much need a lawyer**, and question whether you can afford one, then check out this ten minute video please go back and click the link to my video. Burton Hunter

1. <http://hunterlawfirm.net/wp-content/uploads/2017/02/BurtsMessages1.jpg>

2. <http://www.hunterlawfirm.net/>

3. <https://www.youtube.com/watch?v=zh8VkJqA-1A&t=82s>

6.6 June

What You May Not Know of the Legal Profession (2017-06-06 00:57)

[1]



I attend each year two two day long seminars put on by the West Virginia Association for Justice, formerly WVTLA, WV Trial Lawyers Association. That's a foundation of 36 hours of continuing education. Add to that 8 hours of family law, of mediation, and other subject areas, and I spend around a week a year working to maintain currency in my profession.

Before each session, I think, "I don't have time for this," but I drive home uplifted and proud to be a member of the legal profession. For all of our flaws, there are attorneys who get up every day driven to succeed on their own behalf and their clients'. Hearing from lawyers considered by their peers to be on the top of their game is an eye-opener.

The variations of attorneys are remarkable, the smart, dedicated, small-town attorney who comes to these sessions to make sure that he or she is keeping pace with his profession; diligent and dedicated appellate lawyers; public service lawyers; governmental lawyers; the ones willing to take grindingly boring tasks, at least as I perceive it, of tax law, corporate law, and workers compensation; and the lawyers with the bright plumage, the showboats, the trial lawyers, the big-money lawyers, and the ones with the snowy white hair, the Rolexes, and the \$2000 briefcases.

The point of this fairly short post is when you see a lawyer, you do not know what you see. I suspect it is s the same for doctors or teachers, and coal miners and ditchdiggers.

They say lawyers have a high level of stress and thus high levels of alcohol and drug problems, depression, and suicide.

The only way to understand it is to lead the life, take on the challenges, decide whether to be average, above average, or top-flight, before we can understand what it's like to get up every day, either to "do battle", or just to try to make things a bit better. Turns out it has been a good choice for me, and that's all I can ask.
jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2017/02/BurtsMessages1.jpg>

A Few Thoughts on Law Office Technology (2017-06-06 00:27)

[1]



Technology is a "two-edged sword". It can be a time waster. It is easy for someone like me to "gamify" technology, so the very acts of using it and learning from it provide surges of dopamine pleasure which divert me from the actual boring tasks at hand.

And, social media has a "siren's song". It is serious work to keep social media from being a time waster. When well done, it is a life enhancer.

But, it also causes me to look back on a wonderful two-day seminar like last week's 59th annual West Virginia Association for Justice Annual Meeting and Seminar knowing that I missed 25 % or 30 % of what I should have learned because I was tending to things back in the office, looking up things that the author was talking about, and even writing emails to the presenter. And it is a great time to update and reorganize the apps on my iPad desktop!

It can also allow me to write three rough drafts of blog articles using Nuance's "Dragon Anywhere" in fifteen minutes while waiting for my wife to finish up at church.

I went through approximately 15 versions of Dragon Naturally Speaking, each one promising "this is the one that really works", until I got to a point where it truly enhances my ability to get things done. The new versions are "Dragon Professional" and "Dragon Anywhere", \$150 each.

I estimate the accuracy to be approximately five times that of Siri's voice to text and twice as good as "Dragon Go".

Yesterday I met with a returning client. Her reconciliation efforts had failed. We already have her divorce petition and motion for temporary relief, but, using the built-in questionnaire and features of the document assembly application "Pathagoras", I was able to rough out her parenting plan agreement, property settlement agreement, and final divorce order in our initial to our meeting. The key is using consistent "variable labels", so that a saved database of information entered into the first form can fill in the same "variables" in the others.

It is a generalization, but the family law bar is not a coherent group. The family law lawyers don't meet regularly, they don't market themselves well, and they don't take well to technology. There are exceptions, especially in the larger urban areas where the divorce lawyers who cater to the doctors and bankers and the lawyers can make pretty good money and use it for staff and technology. While no family law colleague has refused my request to borrow a form, I have failed to get the family bar to develop Pathagoras form banks. Our clients are the losers!

I take satisfaction in knowing that my use of technology, our office systems, and our trained staff allow me to keep fees much lower than other similar experienced counsel.

In the last three months, as I phased-out of some out-of-office activities such as seminar presentations, board membership, and other activities, we have made some real breakthroughs in our technology which I intend to carry through for the next 10 years, hoping to complete 55 years in the practice of law and to finish on a high note. Technology will be a key.

1. <http://hunterlawfirm.net/wp-content/uploads/2017/04/DeskSpreadFullSizeRender.jpg>

Global Warming: How the Environmental Movement Has Botched It! (2017-06-05 23:25)

[1]



This is my "take" on the environmental movement and its emphasis on "Global Warming". To me that approach is self-defeating.

I read a lot of things that touch on environmentalism but are not so labeled. I follow the news carefully but greatly miss my weekly Time and Newsweek which helped give me perspective. Nevertheless, I average approximately two hours of news per day and another hour or two of reading. These are my pleasures, so somehow I fit them in.

I believe the environmental movement has "blown it", and I wonder who decided to focus so much on global warming. In retrospect, I believe it is the wrong approach.

Jane Goodall, Jacques Causteau, David Quammen in his great classic on speciation, "The Song of the Dodo, Rachel Carson in "Silent Spring", Richard Attenborough in "Planet Earth", the Disney documentaries and movies, Harari's "Sapiens", and so many other sources have revealed the great destruction of the species of the world, of the great forests and rivers, and the huge explosion of resource-consuming human beings and their domesticated animals whose combined weight equals 75 % of all living creatures. Poisons and processed sugary foods are killing us slowly, but by the millions. Tribalism and "political famines" cause mass human misery.

This "human pestilence" has absorbed the resources of the world, spewing out pollution, and putting toxic poisons in everything we breathe and drink,

The story of the poisoning of our planet and depletion of our resources is a powerful one, and relatively

easy to prove by the scientific method. But, instead of focusing on the things people can see and feel, the environmentalists decided to hitch their wagon to "global warming".

Yes, it is a concern that Upshur County, W.V. might become as hot as Fort Mill S.C. in the summer, and that our native animals may have to move north, and that we may get our share of fire ants and other southern critters.

There is no doubt the heating of the earth is terribly serious, the rising of the oceans, the shrinking of our glaciers, and the unforeseen consequences. But it seems to be hard for people to wrap their head around.

However, the number of species in the world is countable; the amount of poison in the air is measurable; the history of failed civilizations such as the Maya and Easter Island is available to us, and there is so much that science can reveal right here, in our immediate present and future, to help galvanize America and humankind to action.

Instead, the environmental movement gives the polluters and the conservative right a tool to continue deny the truth in order to protect their short-term profits and line their pockets with gold. Donald Trump can say that global warming is a conspiracy developed to benefit the Chinese, and people will vote for him in droves. He can campaign and tell people not to worry, that it is all a hoax and that he will bring coal jobs back, and even traditional conservatives will back him, from perceived self interest, and because "Global Warning" is so darn hard to prove.

If "they put me in charge", we would immediately change to:

1. We are being poisoned;
2. We are pushing other living creatures to the fringes, creatures who are the source of the wonder in our world and are potential resources that are incalculable for our well-being.
3. That there are things we can do to slow and stop the great extinction of species.
4. We are allowing the sun to come through our atmosphere and cause cancer in us and our children, and if we don't do something about it, civilization could fall apart.
5. I would focus on the poisoning and then move to the symptoms. Al Gore spoke of treating our atmosphere as a place to dump raw sewage. Now that's an analogy people can picture.
6. I would move the fact that the earth is getting warmer to a secondary position, as a symptom and not the cause, but one that can eventually tip the scales towards putting us out of business!
7. I would stress the need for space science! Yep; with all our eggs in one basket, our species is a fragile as a flower; spread to other planets and even solar systems gives us a fighting chance to become what we are capable of evolving to.
8. That's just me, but we all get to put in our "two cents".

1. <http://hunterlawfirm.net/wp-content/uploads/2017/06/6.2.1.2017.jpg>

6.7 April

Document Assembly for the Busy Non-Nerdy Lawyer: Pathagoras (2017-04-27 12:18)

[1]



This articles is targeted to other lawyers, particularly family law, but it also give insights to potential clients, or even judges, of how our office produces so much so quickly.

I am writing about the “document assembly” application Pathagoras. It is available as a free, full featured, 90 day trial download: [2]www.pathagoras.com

Caveat: the "master list" form that I describe as a work in progress is just that. I don't yet trust it to use as the portal for all of my forms. Safest is to use the form, save the data, and slowly build, using that as a source for the other forms, or using it to start the master form. . I will keep working with the hope that one "master list" will contain data for use in every one of the client's family case documents. Stay tuned. jbh

1. I own no share in the company, and this is not a commercial, but I have a stake in spreading Pathagoras.

2. WV lawyers, and the family law bar especially, need this product. It needs dozens, or hundreds, of WV family lawyers to create and share forms and templates.
3. It needs lawyers to be able to fly through the paperwork, to crank out petitions, motions, emergency pleadings, parenting plans, property settlement agreements, cover letters, and temporary and permanent, and temporary orders.
4. Instead of hiding our practice secrets, we need to share them. We need to double, or quadruple, the number of WV litigants we can help. Over 70 % of family court litigants are unrepresented, and "do it yourself".
5. Remember the old phrase, "A man who has himself for a lawyer has a fool for a client."!^[3]<http://tinyurl.com/cj6plrv>
6. We need to make it inconceivable that a party would proceed without a lawyer unless they had no resources even to consult one.
7. And we need to expose the fraud of "Do it yourself."! There are lawyers who need work and people who need them!

So, here is my summary of Pathagoras, and a trick that just became clear to me:

1. Pathagoras is a "plug-in" to Word. Once installed, it is available on the main ribbon.
2. The better you understand Word, the better you will do, **but you do NOT have to be a programmer!**
3. My great recent revelation is that virtually all family law legal documents have the same, or very similar, "variable" information; names, addresses, birth dates, etc.
4. What I should have done the very first time I set it up, and ***I share this with you for free***, is take the ten most common documents that you use in a practice area, whether it is family, personal injury, or real estate, and pull out the "variable" parts and pick a standard "master form" for each one. E.g. [Client Full Name] or [Child number one's date of birth], then label them and put them into the master list
5. Then, before you "Pathagorize" even your first document (Ok, do one simple one just to confirm that it works!), **create this master list of terms**. You will never regret it. It will save you hours.
6. Save this document to Dropbox, so everyone in your staff can access it. And, use these "variable" in all of your form documents. Pathagoras cannot find them if they are not standardized.
7. Don't hesitate to "tinker", fixing inconsistencies, adding overlooked variables, etc.
8. And, to the extent you can, use this template as a "fill in the blank" intake form the first time you meet your client. If you are a slow typist, have your receptionist spend 10 minutes with the client. It will save her ,and you, hours.
9. When you hit "alt d", your master list becomes a new client questionnaire.
10. As a test, fill in your master list questionnaire with the data from a hypothetical client. I use "Sallie Mae Smith" vs. "Billie Bob Smith", with children Callie, Tallie, Bubby, etc.
11. **Never overwrite your master list file**. Once you learn what you are doing, you can convert it to a template, but in the meantime, just never save over the form.

12. If divorce client Sallie is ready to file, do this:
13. Find your "DivPetMotWChildren" form.
14. Open it, and immediately save it as "SmithSallieMaePetMot.04.25.2017";
15. Hit "alt d".
16. A new questionnaire will appear. You could fill it in, but you already have Sallie's "master file"!
17. Hit "scan", and it will look for the labels within the brackets: [].
18. Pathagoras will ask you if you want to use a stored data file. Say "Yes!".
19. Just go to the dropdown button, and there is Sallie Mae's master data file. You or your staff typed it in the very first time you met her.
20. Select it, and Sallie's divorce petition and motion for temporary relief will fill in automatically!
21. Select the optional paragraphs to keep and omit. Optional paragraphs are stored within "squiggly brackets", { _ _ _ _ _ }. Just select the ones appropriate to Sallie, the divorce grounds, whether she wants alimony, etc.
22. Answer any remaining questions, and process the form by clicking "next".
23. Your Petition and temporary motion, CCIS cover sheet, notice of hearing, and other documents will be created, subject to minor clean-up by your clerical staff.
24. Later, you can do the same with your client's proposed parenting plan or property settlement agreement, the notices of hearings, the emergency motions, temporary and final orders, everything!
25. **Think how many time your staff types "Sallie Mae Smith" and "Billie Ray Smith"; dozens!** They, and all the variable information, are already there!
26. It is that simple.
27. I caution you, my only criticism of Ray, which is really an admitted failure of my own, is that the program is so powerful that there are too many ways to do each function. I am smart, but I am not programmer.
28. For your day to day, bread and butter, document assembly, you don't have to learn that other stuff, but it is nice to know it's there, and as you get better, you will get braver.
29. But, for now, just show me how to do it, and don't confuse me with alternate methods.
30. For guidance, I suggest you start with "the basics": [4]<https://www.pathagoras.com/help/Pathagoras%20%27No%20Setup%27.pdf>
31. Pathagorize your first form, and create a document. You should then be hooked!
32. Then, I urge you to do Roy's "7 Day Plan", but do it in two hours one afternoon, or you'll never get back to it: [5]<https://www.pathagoras.com/help/Pathagoras%207day%20Plan.pdf>
33. I am embarrassed to admit that I have trouble with online, detailed, manuals, such as Roy's 600 page comprehensive manual. Rather than read it through, I suggest liberal use of the table of contents and search engine. .
34. **Then call me, or write, and I will send our dozen best forms.** And you will be on your way, with a jump start I never had.

35. **If you buy the product, Roy will give you a 40 minute online and telephone tutorial.**

36. It is that simple. If you are as smart as I think you are, you will find dozens of uses for Pathagoras and will have an office policy that all documents you produce need to be Pathagorized. And you and I will be in a select group, sharing, collaborating, and helping one another and our clients. **It will be a revolution in the practice of law.**

One more thing about Pathagoras. **It is simpler and cheaper than the alternatives.**

My Draft Master List of Variable Titls

E-mail me for the Word Version:

hunterjb@hunterjb@hunterlawfirm.net

Master Family Law Pathagoras Input Template: Revised Mar 29, 2017

Data for Petition, Temp Motions, Counter Petition, and Final Divorce Order, PPA's and PSA's

County of Venue (CAPS HEADING)	[COUNTY OF VENUE]
County of Venue?	[County of Venue].
Petitioner's Full Name?	[Petitioner's Full Name]
Petitioner's Husband's Surname	[Petitioner's Husband's Surname]
Mother	[Mother's Full Name]
Father	[Father's Full Name]
Wife	[Wife's Full Name]
Husband	[Husband's Full Name]
Civil Action Number?	[Case Number or Numbers]
Respondent's Full Name?	[Respondent's Full Name]
Respondent's County of Residence?	[Respondent's County of Residence]
Respondent's State of Residence?	[Respondent's State of Residence]
Petitioner's County of Residence?	[Petitioner's County of Residence]
Petitioner's State of Residence?	[Petitioner's State of Residence]
Date of Marriage?	[Date of Marriage]
State of Marriage?	[STATE OF MARRIAGE]
Marriage Status annexed to Petition?	[as shown in the attached marriage certificate./OR as will appear from a marriage certificate to be filed in this action].
County of Marriage?	[County of Marriage]
County of last cohabitation?	[County of Cohabitation]
State of last cohabitation?	[STATE OF LAST COHABITATION]

Date of Separation?	[Date Of Separation]
Date of Property Settlement Agreement ?	[Date Property Settlement Agreement]
Date of Agreed Parenting Plan?	[Date Agreed Parenting Plan]
Numeral of child or children?	[Numeral of child or children]
Written number of your child or children	[Written number of child or children]
Child or Children?	[child/children]
Child/ren "was" or "were"?	[child was/children were]
First Child Full Name?	[First Child Full Name]
First Child Date of Birth?	[DOB First Child]
Second Child Full Name?	[Second Child Full Name]
Second Child Date of Birth?	[DOB Second Child]
Third Child Full Name?	[Third Child Full Name]
Third Child Date of Birth?	[DOB Third Child]
Fourth Child Full Name?	[Fourth Child Full Name]
Fourth Child Date of Birth?	[DOB Fourth Child]
Fifth Child Full Name?	[Fifth Child Full Name]
Fifth Child Date of Birth?	[DOB Fifth Child]
Sixth Child Full Name?	[Sixth Child Full Name]
Sixth Child Date of Birth?	[DOB Sixth Child]
"Infant" or "Infants"?	[infant/infants]

<<*Options(cumulative)*1/2/3/4/5/6*

[First Child Full Name], date of birth: [DOB First Child]/

[Second Child Full Name], date of birth: [DOB Second Child]/
[Third Child Full Name], date of birth: [DOB Third Child]/
[Fourth Child Full Name], date of birth: [DOB Fourth Child]/
[Fifth Child Full Name], date of birth: [DOB Fifth Child]/
[Sixth Child Full Name], date of birth: [DOB Sixth Child]>>

Infant(s) has or have?	[infant has/infants have]
Present address of children? address of children]	[Present address of child/Present address of children]
Present Address of Children?	[Present Address of Children]
Five year "address"or"addresses"? addresses]	[the five year address/the five year addresses]
Address/es "is" or "are"?	[address is/addresses are]
Reach/es re: child/ren	[child reaches/children reach]
Child/ren "is" or "are"	[child is/children are]
Plan temp or perm?	[temporary/permanent/temporary and permanent]

HOW THE [CHILD/CHILDREN]'S TIME WILL BE SHARED BY THE PARENTS

{The [child/children] will reside with Mother and Father according to the following schedule.

Mother: [Describe Mother's non-holiday time]

Father: [Describe Father's non-holiday time]}

Petitioner her or his?	[her/his]
Numeral Vacation Days Summer?	[Numeral Vacation Days Summer]
Numeral Vacation Days in a Row	[Numeral vacation days in a row]
Recipient atty fees him or her? fees]	[her or his as to recipient of attorney fees]
Car(s) wanted [Car or Cars Our Client Wants Possession or Ownership of "Automobile" or "Automobiles"?	[Automobile/Automobiles]
Pet. or Resp. to possess residence?	[Petitioner/Respondent]
Former Address?	[Address Former Family Residence Property]
Current Income Year?	[Current income year]
Three recent tax years?	[Three recent tax years]
Date Petition Filed?	[Date Petition Filed]
Date Answer Filed?	[Date Answer Filed]
Manner of Service?	[manner of service]
County of Personal Service?	[County of Personal Service]
Name Process Server?	[Name or Identity of the Process Server]
Date of Personal Service?	[Date of Personal Service]
County Petitioner's Residence?	[County of Petitioner's Residence]
County Respondent's Residence?	[County of Respondent's Residence]
"Namely": or "." ?	[namely:./.]
Date of Final Order?	[date of final order]
Grounds for divorce?	[grounds for divorce]

{(). Petitioner further says that irreconcilable differences have arisen between the parties, and the parties are entitled to a divorce on such grounds under the provisions of W.Va. Code §48-5-201.}

{(). Respondent has been guilty of cruel and inhuman treatment toward the Petitioner as such in nature to destroy or tend to destroy the mental and physical well-being, happiness, and welfare of the Petitioner, so as to render cohabitation unsafe and unendurable as defined in W.Va. Code §48-5-203.}

{(). Petitioner complains and says that since the marriage of the parties, the Respondent has committed adultery; and the adultery was committed within three (3) years next preceding the institution of this action and was not committed by the procurement or connivance of the Petitioner; and Petitioner has not voluntarily cohabited with the Respondent after Petitioner had knowledge of the adultery, and the adultery was never condoned by Petitioner. Petitioner alleges that Petitioner is, therefore, entitled to a divorce on the ground of adultery under W.Va. Code §48-5-204.}

{(). The Respondent willfully abandoned or deserted the Petitioner on [Date of Separation], a period greater than six months, which the Petitioner alleges is grounds for divorce under W.Va. Code §48-5-202.}

{(). The Petitioner and Respondent have lived separate and apart without cohabitation and without interruption since [Date of Separation], a period greater than one year, which the Petitioner alleges is grounds for a divorce under W.Va. Code §48-5-208.}

{(). The Respondent, subsequent to the marriage, has been addicted to the habitual use of a narcotic drug or dangerous drug, which Petitioner alleges is grounds for divorce under W.Va. Code §48-5-207.}

{(). The respondent, subsequent to the marriage, has been addicted to the habitual use of alcoholic beverages, and Petitioner alleges that he is entitled to a divorce on the grounds of habitual drunkenness under WV Code 48-5-207}

Date of PSA?	[Date of Property Settlement Agreement]
Date of PPA?	[Date of Permanent Parenting Plan]
Counsel for Petitioner?	[Counsel for Petitioner]
Address Pet's Counsel?	[address of Petitioner's counsel]
Counsel for Respondent?	[Counsel for Respondent]
Address Respondent's Counsel?	[address of Respondent's counsel]

1. <http://hunterlawfirm.net/wp-content/uploads/2017/04/DeskSpreadFullSizeRender.jpg>
2. <http://www.pathagoras.com/>
3. <http://tinyurl.com/cj6plrv>

4. <https://www.pathagoras.com/help/Pathagoras%20%27No%20Setup%27.pdf>
5. <https://www.pathagoras.com/help/Pathagoras%207day%20Plan.pdf>
6. <http://hunterlawfirm.net/wp-content/uploads/2017/04/P1MasterFormTemplatePublisher.04.26.2017.jpg>
7. <http://hunterlawfirm.net/wp-content/uploads/2017/04/P2.MasterFormTemplatePublisher.04.26.2017.jpg>
8. <http://hunterlawfirm.net/wp-content/uploads/2017/04/P3.MasterFormTemplatePublisher.04.26.2017.jpg>
9. <http://hunterlawfirm.net/wp-content/uploads/2017/04/P4.MasterFormTemplatePublisher.04.26.2017.jpg>
10. <http://hunterlawfirm.net/wp-content/uploads/2017/04/P5.MasterFormTemplatePublisher.04.26.2017.jpg>
11. <http://hunterlawfirm.net/wp-content/uploads/2017/04/P6.MasterFormTemplatePublisher.04.26.2017.jpg>

OUR SUPER-HELPFUL WEBSITE: WWW.HUNTERLAWFIRM.NET (2017-04-18 21:01)

[1] 

We are happy to announce that we have made life easier for you! Of course, if you are part of the <1 % who will explore every tab and button, who wants to know where I went to school and details about my practice areas, that stuff is still there. But "the good stuff" lies under the two red buttons, drop-down menus for 320 blog articles (1350 pages!), and my first four concise, informative, videos. [2]www.hunterlawfirm.net

With my blog, you can;

1. "Search" for content;
2. Subscribe;
3. View my table of contents;
4. Download my PDF Blog Book, or:
5. Just browse.

My first four videos are my messages, to:

1. Potential Clients;
2. Colleagues;
3. Adversaries, and;
4. People in Authority.

They are my civil (as in polite) manifesto of my purposes and goals.

If you doubt the content of my website, just read this e-mail I got from the relative of a person who needed help:

"Dear Mr. Hunter:

I just wanted to thank you for all of the helpful information and advice your website has to offer. Recently, I helped someone with a West Virginia divorce/custody case and we won because we followed the advice your site offers about organizational techniques and being prepared. The judge even thanked us for being so well organized, and she was sorry the other party did not take the time or make the effort as well.

Thank you again for all of your help and advice." (Name omitted.)

Messages like that "make my day". jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2017/04/landing-PAGE..jpg>

2. <http://www.hunterlawfirm.net/>

30 SIMPLE FACTS ABOUT YOUR PERSONAL INJURY CLAIM (2017-04-11 20:16)

[1]



Starting with Ronald Reagan, and later Carl Rove, common perceptions of our civil justice system have hardened into negativity. Injury victims are treated like they are pariahs. But they are just like you and I.

But here are some real, simple, facts:

1. Good lawyers will always "push the envelope", so some personal injury claims will be marginal. That's life and human nature. Good judges can deal with them.
2. Our system of personal injury liability, such as auto, truck, and motorcycle collisions, premises liability, and dangerous products are based on your and my standards of right and wrong, the ones we grew up with.
3. The concept is "duty". I have a duty to pay attention, to refrain from texting while driving, to drive with enough rest, and to drive without intoxicating substances in my body. I have a duty not to injure you or yours.

4. In other words, we all have the duty to follow "The rules of the road".
5. The State of WV follows a concept called "comparative fault."
6. In WV, a personal injury claimant may only recover if her or his mistake is less than yours. If hers is 51 % and yours 49 %, as determined by the fact-finder, she bears her own loss. A claimant who is 20 % at fault may recover only 80 % of his damages.
7. So, most settlements and awards go to people who are primarily not at fault. With proper representation, the system works.
8. The measure of "compensable damages" is fairly easy to calculate. I leave the concept of punitive, or punishment, damages for another day.
9. Damages cover several elements:
10. Physical trauma, injuries;
11. Reasonable medical bills, past and future;
12. Lost Wages, past and future;
13. Temporary and permanent impairment, or what some call "disability";
14. Past and present "pain and suffering";
15. Mental anguish, "psychic pain". This includes post traumatic, cognitive, and emotional injuries;
16. Past and present loss of enjoyment of the benefits and pleasures of life;
17. Disfigurement, scars, deformed bodies, or loss of limbs.
18. These damages are both "economic" and "non-economic" loss. Legislatures often try to limit, or cap, non-economic loss for some types of tort claims such as medical malpractice. I do not discuss such claims here. And they protect some industries, such as negligent ski-resort owners, or gun manufacturers. Again, I am not talking of those cases here.
19. Lawyers who advertise heavily on television may be excellent, or may be not. You may have them directly involved in your case; perhaps not.
20. 75 % of "bread and butter" personal injury cases settle without suit, and 90 % settle without a trial. Why?
21. When fault is clear and injuries unambiguous, a good lawyer and experienced adjuster can reach a good compromise.
22. Where not so clear, a good lawyer may convince the carrier to go to pre-litigation mediation. Mediation often leads to settlement.
23. I have learned that I can make good money in cases with clear fault and "manageable" damages by taking a contingency fee of just 20 %, and occasionally less.
24. "Contingent" means no fee without a recovery. Many lawyers accept as standard 1/3, or 33 1/3 % of any sum collected, before costs are deducted, plus the costs. Many times, considering risk and delay, that is fair.
25. Personally, I don't think 1/3 is fair in routine cases where suit isn't filed. A 25 % fee is fine if I have to visit and photograph the scene, hire a reconstructionist, or make the case for fault. But if the carrier spares me that effort, 20 % is ok for clear fault cases. That's my opinion, and it works.

26. Some contingent fee cases justify 36 % to 40 %. Think major products liability, such as an exploding tire, medical malpractice, with its huge litigation costs, or industrial accidents, exploding mine or gas well, with expert engineers and complexity. I am not talking of them here.
27. Back to the reasons cases settle: with \$50,000 in per person liability coverage and \$40,000 in medical bills, or where injuries are permanent, that case is going to settle.
28. In those cases would you rather pay \$ \$16,666.67 in lawyers' fee, (1/3) or \$10,000,, (1/5) \$7000, or even less. Don't expect the t.v. ad guy to cover his advertising costs and give you that break.
29. An experienced personal injury trial attorney can handle most traffic collisions just fine, and he/she can curate cases, identify the larger value or more complex cases, and associate with a top flight state-wide firm when needed.

My goal in this article was to make personal injury cases easier to understand, but not so clear that you think, "I can handle that."

Adjustors have done hundreds or thousands of cases. They know your case's value. Find someone who knows how to deal with them, and trust them with your future. Good luck!

1. <http://hunterlawfirm.net/wp-content/uploads/2017/02/BurtsMessages1.jpg>

Unbundling of Legal Services (A Low Cost Alternative) (2017-04-10 22:21)

The poor and people of moderate income have great difficulty in obtaining legal services in WV. Something like 70 % of litigants in family court are "pro-se" or self-represented.

For awhile WV was in the dark ages. There was an ethics opinion that lawyers couldn't even "ghost write", or assist a party from behind, without becoming "record counsel".

That has been clarified. We now can do those things. Unfortunately, contrary to more progressive states, WV does not allow special appearance or special pleadings. Once a lawyer's name is declared as representative, there is a very specific procedure the lawyer must do to extricate herself.

Here is a very informative Podcast from "New Solo", host Adriana Lanares, on The Legal Talk network:
[1]<http://j.mp/2omGi5q>

The ideas is for experienced and competent lawyers to do what they can do, prepare forms, coach, "ghost-write", counsel, and educate the unrepresented party for 1/5th to 1/10th of the cost of full representation.

Here are two products I have constructed:

1. "The Legal Checkup": this works for individuals and couples who need simple wills, powers of attorney, and review of legal matters such a boundary dispute with a neighbor or quarrel over Mom's estate:
[2]<http://hunterlawfirm.net/free-power-of-attorney-annual-legal-checkup/>

2. When a family court litigant "Cannot or Will Not Hire: [3]<http://hunterlawfirm.net/when-you-cant-or-wont-hire-a-lawyer-a-possible-option/>

"The Legal Checkup" client(s) often only needs that simple will and power of attorney and review of her or their insurance coverages.

The family law litigant, half the time, realizes he/she can come up with the funds, and retains me to appear on their behalf. As Sam Glover of The Lawyerist Podcast says, "What do you have to lose?" [4]<https://lawyerist.com/podcast/>

1. <http://j.mp/2omGi5q>
2. <http://hunterlawfirm.net/free-power-of-attorney-annual-legal-checkup/>
3. <http://hunterlawfirm.net/when-you-cant-or-wont-hire-a-lawyer-a-possible-option/>
4. <https://lawyerist.com/podcast/>

THE SECRETS OF WINNING, Number II (2017-04-07 18:35)

[1]



(Cont. from 'THE SECRETS TO WINNING' Custody of your Child:

This article is written primarily for the large majority of divorcing parents who cannot stay together but who love their children. It is the second half of my thoughts started with my previous article, " THE SECRETS TO 'WINNING' CUSTODY OF YOUR CHILD": [2]<http://wp.me/p4utce-Go>

HERE IS WHAT I ADVISE MY CLIENT:

1. Follow "The Golden Rule", but stand up for yourself. Don't put up with abuse and control, but "do unto" your child's parent as you would have that parent "do unto" you.

2. I used to have my client buy one of those bound journals that you find on sale after Christmas. I even bought a dozen and sold them at cost to the clients. Use that journal to keep the other parent informed.
3. Now, "there is an app for that." We have had some success with "My Family Wizard", and expect that it or something like it will become the norm: <https://www.ourfamilywizard.com/pro/courts> .
4. And, now that people have learned to speed type with their thumbs, texting and e-mail help the parties keep a record of their interaction.
5. A text thread between conflicted parties is painful to read, F-bombs, whining, recrimination, control, threats, and obstruction. When a client brings me such a record, he tells me more than he realizes about himself or his child's mother. Don't do it!
6. I suggest "killing with kindness".
7. Whatever the tool, journal, "snail mail", e-mail, text, or app, provide full contact information for your child's school teachers, principal, doctor, dentist, coach, music teacher, tutor, Sunday School teacher, and best friends' and their parents.
8. And, the more involved parent should give the less involved parent "a tutorial" on everything available for your child online as a student such as "Live Grades", "Class Dojo", school newsletter, or the annual online school calendar!
9. Never, never sign the child up for something without seeking consent from, or informing, the other parent.
10. Don't intentionally pick an activity that will more severely impact the other parent's time and relationship with the child than yours. Collaborate whenever possible; mediate where you cannot agree.
11. Keep the other parent informed of the child's difficulties at school, health issues, accomplishments, needs, and challenges. Work together to find solutions.
12. Don't "take the bait". When the other parent does not immediately respond with milk, honey, and Roses; just grin and bear it. (Always keep in mind my rules to "stand up for yourself "and "do not tolerate abuse" .)
13. Be persistent and consistent. Don't try to force the "Our Family Wizard" app on someone who isn't comfortable with the Internet, but if you have agreed or been ordered to use it, use it. If they are lax, tell me, and I will write them or their lawyer.
14. Follow common courtesy. Don't let friends or family criticize the other parent in front of the child. Urge the child to respect and obey the other parent.
15. Do not tolerate your "significant other's" intrusive behavior. Bring them onboard to your collaborative approach.
16. Be alert to the child's receiving abuse or poor treatment at the other person's home, but do not become an inquisitor! Search for a way to inquire into such issues without putting the other parent on the defensive. That's not always easy.
17. I repeat, if there is abuse by the other parent or a significant other, contact CPS! But do not confuse a different parenting style with abuse or neglect. As the Supreme Court Justice Potter Stewart said about pornography, "I know it when I see it." It's the same with child abuse.
18. If you succeed, your child will benefit. If you try, but the other parent refuses to reciprocate, at least you will look good to the Court.

* a. [3]<http://hunterlawfirm.net/the-maze-of-wv-child-custody-issues-just-dropping-crumbs-wont-get-you-out/>, and;

b. [4]<http://hunterlawfirm.net/house-bill-2658-the-one-size-fits-all-children-can-go-to-hell-custody-law/> .

1. <http://hunterlawfirm.net/wp-content/uploads/2017/02/BurtsMessages1.jpg>

2. <http://wp.me/p4utce-Go>

3. <http://hunterlawfirm.net/the-maze-of-wv-child-custody-issues-just-dropping-crumbs-wont-get-you-out/>

4. <http://hunterlawfirm.net/house-bill-2658-the-one-size-fits-all-children-can-go-to-hell-custody-law/>

THE SECRETS TO "WINNING" CUSTODY OF YOUR CHILD (2017-04-07 18:22)



This provocative title of this two part article is true, but with a twist. There are "secrets" to a winning parenting plan. They start with "The Golden Rule". If you do not want background and just want my "tips", go to my next article, "The Secrets of Winning II", which I published concurrently with this one: [2]<http://wp.me/p4utce-Gr>

1. For purpose of this article, "winning" has a narrow, but important, definition. I think winning is a happy, emotionally healthy, child, not just the number of "overnights" with the child or amount of child support!
2. There are two pending bills in the WV legislature that would change what the lay person considers "custody". I don't think they will pass, but they raised some interesting issues which I touch on below.
3. If you have 1/2 hour, you can get background on "custody" and its replacement, "parenting", in two of my blog articles"; **see footnotes, " ** " below.**
4. Several years ago, in an effort to equalize the rights of fathers and mothers and reduce the adversarial nature of what some people still call "custody fights", the legislature replaced "custody" with the concept

"shared parenting" (shared but not necessarily co-equal time), and replaced "visitation" with "time with the child".

5. That statute requires the family court to make findings as to the percentage of caretaking functions each parent, or a third party, did before their separation, and follow those percentages as a guide to time allocation in the court ordered parenting plan.
6. Courts are also supposed to disregard temporary, post -separation, arrangements, because these are often artificial and against the wishes of one of the parents.
7. I noticed in the most recent proposed bill, WV SB 243, a provision that will reward the parent most likely to keep the other person informed and involved in the child's life. I sort of like that.
8. For this article, I think it is a good idea for a separating or divorcing parent to assume that IS the rule and act accordingly, even though I doubt that particular bill will pass.

AND THAT'S THE POINT OF THIS ARTICLE (And Especially the One That Follows).

If the court is going to reward the parent most willing to involve the other parent, I have tips on how to "win" on that issue.

One caveat: there are lots of substandard parents, people who were not born with the gene of compassion, or raised in a way to nurture compassion and empathy. Some of them are dangerous and abusive, and some are drug or alcohol dependent, or all three! All efforts to "involve" such parents will fail, but giving them the information will bolster the position of the parent who does it.

This article is written primarily for the large majority of divorcing parents, who cannot stay together but who love their children. If you are interested in the particulars of my recommendations, just go to my next blog article, published concurrently with this one; "The Secrets to Winning II"; [3]<http://hunterlawfirm.net/the-secrets-of-winning-number-ii/>

**** (These are my background articles on custody in WV. jbh)**

a. [4]<http://hunterlawfirm.net/the-maze-of-wv-child-custody-issues-just-dropping-crumbs-wont-get-you-out/>, and;

b. [5]<http://hunterlawfirm.net/house-bill-2658-the-one-size-fits-all-children-can-go-to-hell-custody-law/> .

1. <http://hunterlawfirm.net/wp-content/uploads/2017/02/BurtsMessages1.jpg>

2. <http://wp.me/p4utce-Gr>

3. <http://hunterlawfirm.net/the-secrets-of-winning-number-ii/>

4. <http://hunterlawfirm.net/the-maze-of-wv-child-custody-issues-just-dropping-crumbs-wont-get-you-out/>

5. <http://hunterlawfirm.net/house-bill-2658-the-one-size-fits-all-children-can-go-to-hell-custody-law/>

6.8 March

A CONCISE SUMMARY OF THE FUTURE OF THE LAW (2017-03-24 21:23)

[1]



A CONCISE SUMMARY OF THE FUTURE OF THE LAW

I tackled this subject last summer in a major article, perhaps 1500 words. It is an important subject, but I took on too much.

I tried to;

1. Establish my credentials;

2. Summarize my trip to the TBD Conference in Saint Louis;
3. To report to my WV State Bar Board of Governors' "Future of the Law" Committee, and:
4. To discuss tips and techniques to improve law office efficiency.

Here is that article should you have the stomach for it: [2]<http://hunterlawfirm.net/future-of-the-law-2016/>.

So, let's get to the point. Recently I listened to a panel on the Joshua Johnson (replacement of Diane Rehm) radio show. It credibly reported that Uber drivers are no more secure than video store owners were. With the owner/drivers being nearly 70 % of Uber's business expense, and renting themselves and their cars, soon Uber and its industry will own a huge fleet of self-driving cars. Even if they are twice the cost of current cars, Uber can save 1/3!

One of the speakers suggested that lawyers are on the same track as Uber drivers, and I might add, coal miners, buggy whip manufacturers, and checkout clerks.

I also heard Judge Neil Gorsuch, in his testimony before Congress, on the failings of the legal industry to provide access to justice for millions. He criticized our profession for resisting change and innovations such as Legal Zoom and AVVO and suing to keep them out of our states. I might add, resistance to using paralegals much as the legal profession uses PA's and Nurse Practitioners.

He explained that our profession "is not well" and that it has a high level of suicide and alcohol and drug abuse. I have been talking about that a lot in my blog, which I hope is oriented towards the future. I have not had much impact.

Courageous leadership in the ABA has been leading a study on the means of expanding and reducing the costs of legal services. They are supporting "disruption innovation", new ways of thinking and approaching problems. I concur.

I have been trying to repackage some services, unbundling and ghostwriting for people who just cannot find \$3000- \$10,000 to hire a family law lawyer. [3]<http://hunterlawfirm.net/when-you-cant-or-wont-hire-a-lawyer-a-possible-option/>

I have written a proposal to streamline mediation in WV, [4]<http://hunterlawfirm.net/time-revise-mediation-wv/>, and how self-represented people could use well qualified mediators to protect their children and interests, <http://hunterlawfirm.net/self-represented-mediation/>

Some things appear not to be on our radar. Our WV legislature, as I write this, is well on the way to decimating consumer protection law in WV and taking away incentive of lawyers to be able to represent these aggrieved people.

Forced arbitration, which could be a solution, is a sham, designed by big business to keep consumers from suing them, and they are succeeding.

With contingent fee cases, personal injury, industrial injury, medical malpractice, and insurance bad faith, the lawyers are motivated because there are prospects of good pay days if the lawyer will delay receiving payment and accept a percentage of the final settlement or judgment.

Of course, conservatives are working to limit the percentage the contingent fee lawyer can charge.

Getting to the point ain't easy, so I will close with this summary.

We aren't in a "period of change"; we are in a "period of ACCELERATING CHANGE"!

Lawyers, like all children in school right now, need to plan on lifelong learning. Much of it will be on line. Sadly, it is likely there will be fewer ivy covered campuses.

We must learn broadly, deeply, and then specifically. Specialists will find many dead ends. Few people, even lawyers, will have a 40 year career with one, or two, or a few, employers.

On my better days, I love being a lawyer, solving myriad problems, and putting my client's life back on track. I feel my judgment, empathy, and experience are essential components to proper representation. Some of that will be replaced by technology, big data, artificial intelligent, and The Internet.

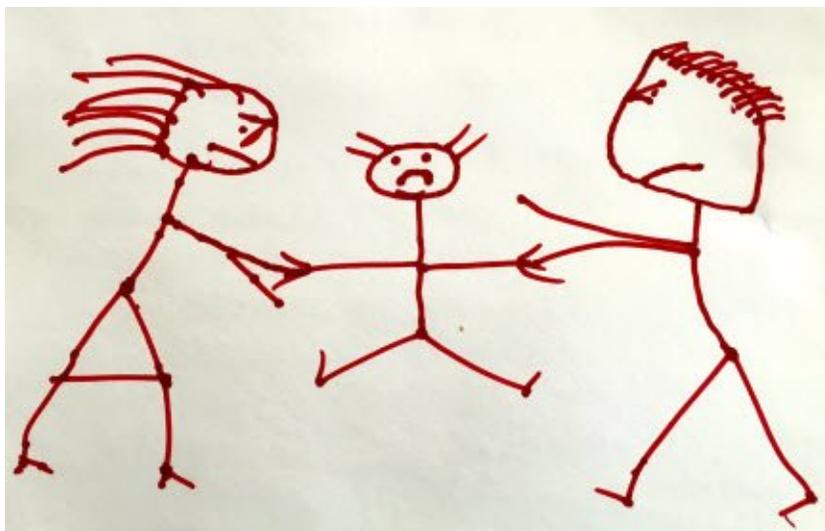
But I think that my colleagues and I, and those who regulate us, need to embrace and chase change, with the standard, first, to be how to do the job better and cheaper, while allowing those of us willing to work at it a path to making an honorable living and decent future.

Word count? 719 :(

1. <http://hunterlawfirm.net/wp-content/uploads/2017/02/BurtsMessages1.jpg>
2. <http://hunterlawfirm.net/future-of-the-law-2016/>.
3. <http://hunterlawfirm.net/when-you-cant-or-wont-hire-a-lawyer-a-possible-option/>
4. <http://hunterlawfirm.net/time-revise-mediation-wv/>

House Bill 2658: "The One Size Fits All, Children Can Go to Hell, Custody Law"
(2017-03-12 19:43)

[1]



For the time-being, here is the link to House Bill 2658, which I affectionately call, "The One Size Fits All, and the Children Can Go to Hell WV Custody Bill", [2]<http://tinyurl.com/zfqz8ga>

I want to bring attention to a bill that I think is an abomination. As a lawyer whose efforts have helped determine the caretaking plans for something like 10,000 children over forty years, this bill causes me to recoil in horror!

The thoughtlessness and venality that went into writing this bill staggers the imagination. Yet, ten WV legislators signed on as sponsors. Something smells like Limburger cheese at the Capital!

I am the father of four, three sons and a daughter, and six grandchildren, four girls and two boys. I am comfortable that my views of this bill are fair to every one of them, and to the men, women, and children of WV.

House Bill 2658 refers to "parents' rights" as if parents own their children, much like Mr. Jefferson did his mixed-race off-spring.

I believe "Parenting plans", above all, should promote the best interests of children. As the Supreme Court has said, "children's best interests" (not "interest", the bill's improper term) should be "the polar star" that guides the parties, lawyers, and courts.

It is no coincidence that a year ago I tackled what I called, "The Maze of WV Child Custody Issues" in my blog. Here is the link to that article which describes the evolving concepts that resulted in the current parenting laws:

[3]<http://hunterlawfirm.net/the-maze-of-wv-child-custody-issues-just-droppi ng-crumbs-wont-get-you-out/>

It is not an easy read, but reading it will help you understand what a huge step backwards House Bill 2658 is and my view of how there could be a good process for parties and courts to create equitable, child-oriented, parenting plans.

I won't attempt a scholarly analysis of the proposed law, but here are the things that concern me the most:

1. We presently operate under a presumption of "shared parenting", which replaced "custody" vs. "visitation" a dozen years or so. The concept of "parenting" is made up of time with children, decision making, and access to the children's records. The current law does not impose an equal time allotment as a "default"! And to that I say, "Amen".
2. For fit parents, equality in decision making and access to records is the norm and has been for a dozen years or so. Don't let the partisans tell you otherwise.
3. The current law, and most parenting plans, require parents to seek out a trained mediator before they sue one another. As a result, many disputes are resolved because the parents decide not to spend the money or time on mediation. Sadly, family court tends not to enforce the mediation requirement.
4. A relative few disputes are taken back to mediation. The system would work better if judges enforced the mediation provisions of parenting plans.

5. The "Time with children" allocation is determined by many factors, but, the younger the child, the more the court tends to look at what the parents did voluntarily before the marriage or relationship failed. This is called the history of "caretaking functions".
6. By statute, the court is supposed to look back one year at the temporary hearing and two years at the final. My preference would be to consider the entire life of the children, and the nature of the parent-child relationship, but I have found the "caretaking functions" standard to be workable and usually fair.
7. Since WV is a more "traditional" and rural state, it should not be a surprise that the typical WV family man works at his job longer hours than his wife and often is happy to have the wife do the majority of the myriad tasks that make up caretaking and nurturing.
8. My experience is that any fit father can expect to have at least three week-ends a month with his children, an evening every week, shared decision making, full access to records, half of all major holidays and 1/3 to 1/2 of the summer. That's roughly 1/3 of the time. Often, it is the "fun time" that fathers can better utilize with their skill set and experience with their children.
9. The proposed Bill 2658 would create a powerful presumption in favor of "shared legal custody" and "shared physical custody". The return of these outmoded, proprietary, terms is shocking. It is at the heart of what I dislike about the bill.
10. The court will be locked into a 50 %/50 % caretaking decision unless it make findings under a "clear and convincing" standard that there are reasons to do something else.
11. Then, the "less worthy" parent will have to settle for second class status. He/she will have only "visitation", no custodial rights, and no decision making. How "1990's" is that?
12. Under the current law, even a parent granted decision making power is supposed to do so with "full consultation" with the other parent. Under the new law, that goes away.
13. The term "legal custody" essentially removes the great flexibility that family courts have had to give shared decision making in some areas, while giving one parent primary decision making on something like medical, or religious decisions. The party granted "sole legal custody" simply gets to make the decisions, and the hell with the other parent.
14. In hundreds of mediations, I have seen examples where "best interests of the child" is trumped by what the parent wants for herself or himself.
15. Many times I have seen a negotiation be stalled by a parent's demand for one extra overnight per year, because that overnight determines whether child support will be calculated under the "basic shared formula" or "extended shares formula".
16. Are we really supposed to believe that the parent who insists on that extra, monetarily beneficial, "over-night" wants it because it is more consistent with the child's "best interests" than one "over-night less? Give me a break. (Note: 128 over-nights = the "extended shares" child support formula, and 127 over-nights = the basic shares formula [full custody])
17. There really are "90 % parents", parents who wash clothes, bathe the children, clean, shop, plan, visit the doctor, and the school, and devote their very being to their children. Statistically, that person is more often the mother.
18. Under the new bill, that "90 % nurturing parent" must give up the children 50 % of the time. Does that mean that the parent who was content to be relieved of duties that didn't suit her or him will now become the nurturer that he/she never was before. Of course it doesn't. From my experience that person finds his mother or new girlfriend to do those things for him, while he lives his life much as he did before.

19. "But...", you say. "The court can vary from the presumption simply by making "clear and convincing" findings. Think that is easy? Here is an example.
20. This 50 %/50 % "baloney" is not brand new. There was a court in a nearby county where the judge, now retired, believed that the "caretaking functions" statute could safely be ignored (There is that Limburger smell again. I ponder where it is coming from?)
21. This judge, by temporary order, divided equally the time of a two year old girl who had been cared for 90 % of the time by her stay-at-home nurturing mother in spite of the fact that mother had discovered on the father's phones text messages of over 120 felony drug deals by the father in the year before their separation! That's right; he texted and received texts arising the purchase and sale of thousands of pills, cigarettes, and vials of illicit drugs. That's right, enough drug dealing to result in ten life sentences! Iron clad proof!
22. She tried to save the relationship for a year, actually drug testing the father periodically until she discovered he had been secreting bottles of "clean urine" to avoid being caught.
23. A year passed before they separated. He denied her testimony that his behavior was bizarre, and clearly a sign of relapse. The judge criticized the mother for asking him to drug test as an imposition on his privacy! She ruled the evidence of drug dealing was "remote in time". So much for "clear and convincing".
24. She appointed a guardian ad litem who knew exactly what this judge expected, and who, surprise, recommended a 50 % plan.
25. Because the father was virtually assured of a 50 %/50 % plan, he showed no flexibility at mediation, so it failed. There went the chance for the parents to fashion a plan tailored to the needs of the infant.
26. Only by failing yet another drug test, during pending litigation, did the father blow his opportunity to have a 50 %/50 % parenting plan. He negotiated a compromise only when he realized he would lose in a contested trial!
27. That is the bizarre world the new bill will usher into existence. It will re-write much of WV Code Article 48!
28. The bill also provides that WV Supreme Court of Appeals' beauracrats will create several "templates" or standardized form parenting plans that the courts can simply impose on the parties. I stress, these plans will not be tailored to the child. They will be "standardized"! Sounds like "1984" to me.
29. Finally, child support is currently determined by a formula based on the number of "over-nights" contained in the parenting plan. There is the "basic shared" formula for them one parent is awarded 65 % or more of the over-night time.
30. There is the "extended shares" formula for plans where a parent is awarded 50 %-65 %. (237-128 = "extended shares"; 238-127 = "basic shared".) It is a bit artificial, but it works. The parties and their counsel can calculate child support and thus avoid a child support trial.
31. Of course, when the parents' incomes are the same and their time is 50 %/50 % no child support is awarded, but when one parent makes more, that parent will pay some child support to the lower income parent.
32. The new bill will change the formula by telling the court to consider time spent other than overnight time.
33. Imagine the time that will be wasted wrangling about "non-overnight" time calculation! Just one more thing to fight over.

My conclusion is that House Bill 2658, if written into law, will be a disaster for WV families. Unrepresented parties will have their children's fate sealed after a 30 minute "one size fits all" hearing, and represented parties will find they must allege and prove egregious fault and lack of fitness in order to have a chance of rebutting 50 %/50 % by "clear and convincing" facts.

If they weren't enemies before, they will be after.

And, mediation, which should be streamlined, enhanced, and improved, will be diminished and made more difficult.

It will be a "perfect storm" of bad news for children.

1. <http://hunterlawfirm.net/wp-content/uploads/2016/02/CustodyFight2016.jpg>

2. <http://tinyurl.com/zfqz8ga>

3. <http://hunterlawfirm.net/the-maze-of-wv-child-custody-issues-just-dropping-crumbs-wont-get-you-out/>

6.9 February

A Summing Up of Eight Years' of Blogging (2017-02-27 22:04)

[1]



My serious blogging began March 1, 2009. I had posted an article a year before, and then I rested.

In searching Google for what was happening on this day 8 years ago, I just now learned that Mardi Gras began in New Orleans on this day, in 1827. 190 years! But no quick answers about eight years ago.

My best recollection from back then is that Barack Obama had beaten Hillary and then John to replace George as our President, and we were seriously worried the economy of the world was falling off of a high cliff. I was already into my 60's; healthy, happy, but concerned for my family, my practice, and my country. There were no assurances that bailing out the banking and auto industries was going to pan out as well as it has.

So, I was girding myself for a very tough 8 years for my practice. At least I am still here.

I believed that President Obama was much more liberal than advertised, and I voted against him, Four years later, I voted against Mitt, and was relieved that Barack was more moderate than I feared. I wish he had been more assertive and innovative in the Middle East, **and that he had made a better show of caring for the displaced coal miners of WV.**

I remain puzzled that the "energy story" and story of our environment have not been reported on with clarity. I think it is a miracle that we became energy independent, largely because of Marcellus Shale gas and new oil well drilling.

I think it is a national scandal that the drug industry successfully pushed its message, "The medical profession doesn't understand how to deal with pain." , a message that led to the tsunami of prescription opiate pain medications and the resultant revival of heroin.

What a quadruple whammy for our state;

1. Natural gas helps push WV Coal to the periphery;
2. Coal diminishes;
3. Drugs and depression drive a poor State deeper into poverty and despair.
4. Add to that the gas boom going bust, and we have one sad State.

My Decision to Blog and Engage on Social Media

My theory 8 years ago was that I would buck the trend by riding my own tsunami of technical innovation, blog writing, sharing of information, and social media marketing.

How did that work out for me? Here's my story:

1. Since then I wrote over 1300 pages and 300 blog articles on many subjects, marketing, family law, divorce, custody, modification, personal injury law, how a personal injury claim is processed, how I run my office, my thoughts on professionalism and collegiality, myriad insurance issues, bad faith, "deliberate intent" industrial injury law, alternate dispute resolution, e.g. mediation, arbitration, ethics, civil disputes and litigation, religion, politics, philosophy, and history.
2. If I could wave a magic wand, I would edit out 25 %-30 % of 1300 pages. I would ease up on the lecturing tone and the appearance of condescension.

3. Am I ashamed of my writing? No! I can delete any article I want to, and I have not deleted many. Much of it, say 80 %, is "rich content" meaning that you can read it and get something useful out of most of it.
4. Remember that my blog has a search engine. Search terms such as "nuts and bolts", "mediation", "family court" "insurance", "deliberate intent" or "obesity" will bring up myriad articles and my views and knowledge on the subject.
5. [2]



6. Cost has been the deterrent for my becoming the owner of a 1300 page "coffee table" door stop!
7. About 5 years in, three years ago, my assessment was that WV is 5 years behind the rest of the nation, and I realized that rather than "riding the crest", I had started paddling my metaphorical surfboard too early.
8. That means that by shifting my marketing from the Yellow Pages to Internet marketing, a shift of perhaps \$1500/mo. in advertising dollars, I probably lost more than I gained.
9. As a result, I invested in my own website, on a WordPress platform, unloaded the \$1400/mo. burden of a Findlaw hosted site, reduced the monthly cost of my site to a \$200 maintenance fee to my programmer, and put \$800/month back into the phone book.
10. Three years later, I can roughly state that 1/3 (33 1/3 %) of my business comes from word of mouth, 1/3 from print ads, and 1/3 from the Internet.
11. That's deceiving of course, because "word of mouth" and my reputation with the public and colleagues, often lead to a Google search of my name. It hasn't hurt to become known as "the tech guy" to my colleagues.
12. Please don't forget to come back to para. # 12, but here is what you find if you Google J. Burton Hunter III: [3]https://www.google.com/ #q=J.+Burton+Hunter+III &* .
13. According to Google, that's 1,000,500 "hits" in .8 seconds!
14. Being a somewhat "assertive" lawyer in an emotionally charged practice area, I discovered, maybe five years ago, that a disgruntled or abusive former client can make me look pretty bad. Once I figured out who my 3 detractors were, I was happy to be "defined by my enemies". Two had been very abusive husbands,

and one gal had a bad case of buyer's remorse after we achieved a "global settlement", property, debts and children, in her divorce. She testified under oath that she was satisfied with the settlement and asked the Court to approve it, which it did.

15. In self-defense, I developed an incentive system, not to the client, but to my staff, to approach our better clients. They were the ones who "got it", who followed my instructions, and mostly got good results. Such people can be quite happy with our services and yet never think of writing a review of their lawyer. One only need ask.
16. Now we have several dozen excellent reviews on many websites, and we have updated my profile on every site. For example, just by listing my experience and awards on AVVO.com I went from a 6.5, "Hasn't been disbarred yet." rating to 10.0 "Superb".
17. As a result, over the last three years, we gently "buried" the detractors. I hope that JaynaJane eventually came to realize that achieving a global settlement at the first mediation session was a good thing.
18. I also tried to increase my impact on my profession in four ways:
 - (a) I was delighted to be asked to present seminars topics to the Kanawha County Family Law Bar, the WVU College of Law "Annual Small Firm Conference", The WVU CLE Family Law Seminar, and the WV Assoc. For Justice Annual Conference.
 - (b) Here are my 2 blog articles of my seminar materials: [4]<http://hunterlawfirm.net/suggestions-for-operating-and-marketing-a-small-firm-efficiently-and-on-a-budget/> and [5]<http://hunterlawfirm.net/some-hot-tips/>
 - (c) I agreed to run for, and was elected to the WV State Bar Board of Governors.
 - (d) I accepted appointment as the Chair of the WV State Bar Board of Governors' "Video Competition Committee" and the "Future of the Law Committee".
 - (e) I ante'd up \$1100, plus travel expenses, for the first annual TDBLaw legal tech conference in St. Louis sponsored by "The Lawyerist" podcast.
19. Of course I was pleased to receive good ratings from my CLE audiences, 4.2 to 4.7 out of five.
20. But the feedback and interaction were disappointing. People listened to the ideas, which go from "bread and butter no brainers" such as claim your sites on the top ten social media platforms, Google +, Twitter, Linked Inn, AVVO, Justia, Martindale-Hubbell, FB Professional, Merchants Circle, YEXT, etc, to "more challenging" suggestions like purchasing and learning document assembly software like Pathagoras.
21. My video competition efforts were difficult, @ 125 hours, but we went from 7 submissions to 28! And we were so proud of "our kids". I treasure that assignment.
22. Here is my account of our annual meeting, May 2016, at the Greenbrier. Skeptical at first, I came down strongly for the symbolism of WV attorneys celebrating our profession in such "nice digs" [6]<http://hunterlawfirm.net/ok-wv-lawyers-live-greenbrier/> .
23. But, unfortunately in 2016, all of my e-mails and calls went unanswered by my contacts at the WV Dept. of Education, leading to a quiet disbanding of our committee. Bummer! Not sure why "higher powers" could not communicate on such a symbolic project for intellectual excellence.
24. In 2016, I was excited to chair the "Future of the Law Committee" and to attend TDB1 Conference in St. Louis, Mo. and to meet so many bright lawyers and "The Lawyerist" podcasts hosts Sam Glover and Matt Holman. In retrospect, I was Goldilocks without the "just right" bed.

25. In Saint Louis, I was the oldest attendee, and my blending of 44 years' experience with the future seemed to the "40 somethings" who came from all over the country, as outmoded (at least that was my impression), and my "Futures" Committee and the State Bar Board seemed to react as if my message was unwanted and threatening, perhaps even dangerous. I was "too hot" for one group and "too cold" for the other!
26. So, what's next?
27. I have posted four video messages to my blog, which I will embed below. They contain my messages to:
28. a. Potential Clients;
29. b. Colleagues;
30. c. Adversaries; and
31. d. The people who are running the show, Judges, Law Makers, Educators, and Professional Associations.
32. Total time? @ 7 minutes: 1.5 to 3.5 minutes each.
33. I have moved on, so no TDB2 for me, and no more "Future of the Law Committee".
34. I will stay open to possibilities, but I can't say the 500 hours I committed to my profession over @ 18 months has produced much that is tangible, except the 28 wonderful videos. They were terrific.
35. Am I:
 - (a) Disappointed: Yes.
 - (b) Surprised? No.
 - (c) Bitter? Absolutely not!
 - (d) If just a few people benefit from what I choose to give away, based on 45 years, (as of May) of learning, failing, succeeding, and trying again, **I will be very happy.**
36. And, in ten years, for those who want things to stay as they are right, they will have my writing as evidence I was wrong.
37. If it turns out that I am right, I will have my proof.
38. Here are my four messages. I hope some of it resonates with you:
 - (a) 'a. Burton Hunter's Promise to Potential Clients: [7]<https://youtu.be/sgaWtuVjgoo> ;
 - (b) b. Mr. Hunter's Message to His Adversaries: [8]<https://youtu.be/zKZ0ZEALMQo>
 - (c) c
Mr. Hunter's Message to His Colleagues: [9]<https://youtu.be/oypl1X0fLj4> ;
and;
 - (d) Mr. Hunter's Message to People in Authority: [10]<https://youtu.be/-jyB2vVNRco> .
39. Please subscribe to my blog and give me feedback as you see fit.

Burt Hunter

1. <http://hunterlawfirm.net/wp-content/uploads/2017/01/BurtStairs.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2017/02/SnagSearchEngine.jpg>
3. https://www.google.com/#q=J.+Burton+Hunter+III&*
4. <http://hunterlawfirm.net/suggestions-for-operating-and-marketing-a-small-firm-efficiently-and-on-a-budget/>
5. <http://hunterlawfirm.net/some-hot-tips/>
6. <http://hunterlawfirm.net/ok-wv-lawyers-live-greenbrier/>
7. <https://youtu.be/sgaWtuVjgoo>
8. <https://youtu.be/zKZOZEALMQo>
9. <https://youtu.be/oyp11X0fLj4>
10. <https://youtu.be/-jyB2vVNRco>

Mr. Hunter's Message (and Plea) to People in Power (2017-02-27 02:54)



Don't worry; the people in authority do not read this blog. But lots of "little people" do. I intend to keep looking out for them. :)

Burton Hunter's Message to People in Authority: [2]<https://youtu.be/-jyB2vVNRco>

[3]

434



1. <http://hunterlawfirm.net/wp-content/uploads/2017/02/BurtsMessages1.jpg>
2. <https://youtu.be/-jyB2vVNRco>

3. <http://hunterlawfirm.net/wp-content/uploads/2017/01/BurtStairs.jpg>

Mr. Hunter's Message (and Plea) to his Colleagues (2017-02-26 23:50)

[1]



This is my plea to my friends and colleagues to take on the challenges to our profession.

Burton Hunter's Message to His Colleagues: [2]<https://youtu.be/oypl1X0fLj4>

1. <http://hunterlawfirm.net/wp-content/uploads/2017/02/BurtsMessages1.jpg>

2. <https://youtu.be/oypl1X0fLj4>

Mr. Hunter's Message to His Adversaries (2017-02-26 23:40)

[1]



This is my offer to opponents in my court cases to avoid a war and pursue rationality, or not.

Burton Hunter's Message to His Adversaries: [2]<https://youtu.be/zKZOZEALMQo>

1. <http://hunterlawfirm.net/wp-content/uploads/2017/02/BurtsMessages1.jpg>

2. <https://youtu.be/zKZOZEALMQo>

Mr. Hunter's Promise to Potential Clients (2017-02-26 23:11)

[1]



This is the first of four messages that I am posting to my website first page. jbh

Burton Hunter's Promise to Potential Clients: [2]<https://youtu.be/sgaWtuVjgoo>

1. <http://hunterlawfirm.net/wp-content/uploads/2017/02/BurtsMessages1.jpg>

2. <https://youtu.be/sgaWtuVjgoo>

Coping With Accelerating Change (2017-02-05 20:31)

[1] ✖

This will be a short post, for me anyway. But I want to make an important point, with an example from Thomas Friedman's excellent book on accelerating change in the world, "Thank You For Being Late." [2] <http://tinyurl.com/hqopd68>

Why does a small town lawyer care about adapting to accelerating change? Let's check a few of the reasons:

1.

Because it is ACCELERATING change! It is fast now, but it heading on a graphed curve that is getting steeper, faster! A relevant book is, "The Singularity is Near" by Ray Kurzweil. The "singularity" is a vertical line to the future!

2.

Only 7 % of Japanese live in rural settings. The same thing is happening in America. So, rural lawyers are vulnerable and must be adaptable.

3.

We just had a political tsunami in America, partly because people are so terrified of the increasing changes.

4.

Selling my experience is fine, but who wants an experienced lawyer who is doing things the way he did 20 years ago? If they think about it, they should want me to be current in the ever-changing law, AND the technology of running a law office, and the changes in our society, and my profession. That's a lot of change!

5.

Just a few changes can put a lawyer at an advantage over his competitors:

a.

Scanners at every desk (\$450/each), and you are heading towards a paperless future, one without tons of paper to destroy someday in the future. A second vertical monitor at each work station allows for seamless editing. Document assembly with an application like Pathagoras accelerates document production. CLE

(continuing legal education) and professional associations keep your knowledge current and your networking solid.

b.

A basic knowledge of Internet and Social Media Marketing, claiming your Google, Yelp, Yahoo, Manta, Merchant Circle, Martindale Hubell, Justia, and other places, and completing your profiles is ESSENTIAL for your visibility. You won't be hired if the clients cannot find you.

c.

Getting consistently excellent reviews, and professional ratings is essential? How?

i.

Carefully and honestly follow the instructions on the AVVO. com dashboard, for example. With credentials like mine, you can achieve a 10.0 "Superb" rating in just 2-3 hours work. Even younger lawyers can get into the high 9's! I recommend you defer inviting the constant complainer, but in our fee contract I ask clients to agree to give me my bad review face to face so we can redouble our efforts to please. And, be sure to explain, explain, explain! <http://tinyurl.com/zpehcan>

ii.

Motivate your staff, by instructing, but also incentivizing, them, simply to ask your good clients for reviews. It you please most of your clients, then the best 25 % will be happy to give a review.

iii.

If you have guts, give your clients a survey, and be prepared for the answers. I am not there yet. But I know my clients love my staff, and I am happy to reward my staff with a small monetary gift if they take the time to approach and get good reviews from our good clients. There will always be that person who won't tell you, but will tell the world, they didn't like you.

6.

So, what is the example I mentioned from Thomas Friedman's book? Friedman explains that he went to a well-known whitewater kayaking school. Kayakers must adapt to constant change, and often to accelerating change. I like this analogy. Failing to paddle, but just floating in the flow, leads to capsizing, as does dragging one's paddle.

7.

We survive in kayaking by paddling hard and moving somewhat faster than the flowing water. My friend Dick Billick and I relearned this principle in the Middle Fork River in April, 2012!

8.

So, also, workers must forget about going into the mines or factory, and walking out 40 years later with a nice pension. Ain't going to happen.

9.

Today, workers need education; not only specific and technical. To survive well. Do not ignore the liberal arts, language, mathematics, science, history, philosophy, biology, environmental science, and CRITICAL THINKING. I also suggest Fareed Zakaria's book on the value of a liberal education.

10.

And, plan on a life of lifelong learning. Universities and Colleges will have to become cheaper. Many people will not be able to afford the campus experience, although get that too if you can.

11.

And plan to spend your life, flowing from one position or company to another, finding a niche in your company, and learning on your own the skills that will let you bid a job, or take a leap.

12.

If you are self-employed, learn what you need to fund, manage, become tech-savvy, and market that business!

13.

If you fail, analyse why, and pick yourself up and keep going.

14.

I hope if a potential client reads this, they will realize that I do these things, make mistakes, learn from the mistakes, and try to apply experience the new technical platforms.

15.

Good luck!

1. <http://hunterlawfirm.net/wp-content/uploads/2016/08/111.OfficeDesk2.jpg>
2. <http://tinyurl.com/hqopd68>

6.10 January

Then and Now for a Personal Injury Attorney - Slip and Fall (2017-01-26 21:54)



I have often blogged of the history of technology from the perspective of a lawyer who has practiced his craft from 1972 to 2017. Compared to that, these two examples are unremarkable. You won't be surprised,

but we should all be amazed.

1. Yesterday the subject of voicemail came up. My client said she had transcripts of all her voicemail. I knew this was possible, but we were surprised when she showed us the messages, verbatim, left by my staff for her. Clients with iPhones can now send us both the audio-file and a transcript. This may be more useful in family court than civil court, but it is a good thing to remember.
2. Today we met with another client who was seriously injured by slipping and falling at the entrance to a large discount retail store in the area. She had gone back and taken a few photos.
3. I turn down most "slip and fall" cases. Juries, and therefore insurance adjusters, like to hold people accountable for their own falls. "Why didn't she look where she was going?"
4. But, the existence of (nearly invisible) ice at an entrance, the busiest foot traffic area of the store, is usually a pretty good basis for a claim, especially if the claimant was wearing good, well treaded, shoes, as she was.
5. It is not the same standard for a private residence where the visitor is called a "licensee", a person who is presumptively there primarily for their own benefit.
6. Therefore, a person injured at a friend or neighbor's home has a much more difficult standard to meet. And many homeowners do not have liability insurance.
7. Business "invitees" are presumptively there because the store, or its company invited them to be there. It is the store who controls the walkways, the store that has the resources, to keep the primary walkways clear.
8. So, I ask my paralegal to find the store on Google Earth. "No problem. "
9. "What are the coordinates (longitude and latitude) of the entrance?"
10. "I am not sure which entrance she used."
11. "Hmmm..? Can't you use street view?"
12. "I don't know." Click.
13. Suddenly we descend from a quarter of a mile above the store to find ourselves staring at the store entrance!
14. There is the newspaper vending machine that is also in our client's photograph. Zooming in, we can see a crack in the pavement where she fell. It is almost as if we had a drone!
15. We get a wide-angle view, a close up from the left, and a close up to the right. I will still stop by and take my own photo, but was a great start to getting a clear photo of the injury scene.
16. 20 years ago I spent \$300- \$400 on a detailed weather report for the 24 hour period leading up to my client's fall. We had minute by minute data on the drizzling rain the day before, the incoming cold front, the time , within a few moments, that the entrance surface froze, and the number of hours that the sidewalk remained unsalted, @ 18, before my client stepped on "black ice" and ruined her knee.
17. Did others' fall? We don't know. Perhaps there were a dozen "near misses". I do know a jury decided that the county's largest employer had been asleep on the job, and that no one spread salt where it should have gone.

18. That's the kind of "responsibility" a WV jury can understand!
19. It will probably cost us \$500.00 to get the hourly data and narrative that we need from www.compuweather.com .
20. If favorable, it can make our case. And, if not, better to know in advance.

1. <http://hunterlawfirm.net/wp-content/uploads/2017/01/BurtStairs.jpg>

7. 2016

7.1 December

A Claim Against Your Own Insurance Company? (2016-12-13 00:28)

Let's look at another kind of injury, bad faith by your fire insurance company:

You have a major fire.

The adjustor is overburdened, distracted, or may not even care.

The checks are slow in arriving, and you think your place is a total loss, but the adjustor does not.

It turns out you have some "environmental issues", and your limited rental coverage is running out while your damaged house is moldering down around you.

Some lawyers will immediately file suit against your insurance company, embarrassing the adjustor, putting him on the defensive, and creating an enemy.

Now your fee will be at least 1/3, and your litigation expenses may be \$10,000, or more, and your moldering house will molder for a year or two, making it unrepairable even if it really was.

Once your lawyer sizes up your situation, your cash flow, health, age, and tolerance for risk, he might counsel a different approach, taking an up-front contingent fee of 8 % to 10 %.

If suit must be filed, you get a credit for fees paid.

The lawyer can help you pester, document, argue, and negotiate with the field level adjustor, not a high paid lawyer billing hourly, who has no incentive to make the case go away quickly.

The news to your client and the adjustor is that if your position eventually prevails, even without a lawsuit, the company will probably pay your fee, and the client will get damages for "aggravation and Inconvenience".

As a friend and colleague of mine counseled, "Give them the chance to do the right thing. If they don't, punish them."

1. When they do, the damages remain "manageable" and the clients get to move on with their lives, and;
2. When they do not, you have a solid "bad faith settlement practices claim" as defined by the famous **"State Farm vs. Hayseeds, Inc."** WV Supreme Court of Appeals case. You can file suit with a clean conscience, knowing you tried to save your client and the company that grief.

The keys to this approach are:

1. A lawyer who has been representing "the little guy" for a long time, and understands what is important to him; and
2. A lawyer who is used to working on a tight budget, so he focuses on the "net to client", on limiting expenses, and on moving the case forward as quickly as possible.

These cases do not get big headlines, but they enhance lives, and benefit people who just want to get on with their lives.

You may have to do some homework, search a bit closer to home, read online reviews, and ask around to find the lawyer who places the interests of the client above his own.

Our website url is [1]www.hunterlawfirm.net. See you there!

1. <http://www.hunterlawfirm.net/>

I Want to be your Personal Injury Lawyer because... (2016-12-13 00:12)

Questions and Answers for the Person Injured by the Fault of Another.

1. These are good cases. They have a beginning, a process, and often a predictable end.
2. The potential client really needs me. He/she/they are often afraid, confused, and uncertain where to turn.
3. The client does not need to pay a large retainer. The fee is "contingent" on the lawyer's getting results.
4. The size of the fee is directly proportional to the size of the recovery.
5. The fee percentage can vary, dependent on the size of the risk.
6. The injury can be physical, emotional, financial, or, often, a combination.
7. An innovative lawyer looks to maximize the net recovery by the client. For example:
8. A \$100,000.00 recovery can take two years, with the lawyer taking fees o \$33,000 to \$40,000, costs of \$25,000, and medical insurance company subrogation claims of \$20,000, netting just \$15,000 to the client. Or;
9. Or, an \$80,000 recovery can take just six months, with a 20 % fee, \$1000 in expenses, and subrogation costs of \$14,000, netting the client \$50,000. Here the client gets more, and the lawyer gets less, but both are satisfied because they get it sooner.
10. An experienced lawyer, in a clear fault case;
 - (a) Will focus on educating the insurance adjuster;
 - (b) Will document the medical expenses and lost wages as they come in, providing the insurance adjuster facts she/he need to adjust the "reserve".

- (c) The "reserve" is the fund of money set aside by the actuary to settle the claim.
- (d) It makes no sense to hold this information for the end, shocking the poor adjuster, and making it difficult to explain to supervisors why the adjuster miscalculated how much money to set aside.
- (e) This critical detail is overlooked by many, many lawyers.
- (f) A good lawyer will prepare a letter for the client's friends, relatives, colleagues, and associates, asking for letters that describe the client, before and after the collision.
- (g) These "lay witness letters" are often filled with love or insight. They describe energetic, productive, people, who have to struggle with pain and impairment after a serious injury.
- (h) When done properly, the presentment of an array of lay witness letters allows the claimant to avoid looking like a whiner.
- (i) Friends and family can describe courageous efforts by your client to ignore pain and physical limitations, or to cope with mood and cognitive disorders.
- (j) Clients don't like to bother friends or family, or to draw attention at work, but a determined lawyer with a pesky paralegal can collect 20 lay witness letters where a "fill in the forms" lawyer may get only five or skip it entirely.

9. These things make a difference.

Do your homework to find the person who can make that difference.

Visit my firm at www.hunterlawfirm.net

jbh

7.2 September

2016 WVU College of Law Family Law CLE (2016-09-10 19:33)

[1]



I know, "Sexy Title", right? Family Law. At least this article has the merit of brevity.

After a couple of days in St. Louis with 60 "super nerd" "lawyers of the future" last month, my 40 years of small town practice experience had me much more comfortable in Morgantown with a group of WV family law lawyers this week-end.

It was a thrill to meet a family court judge who "got" the Family Law Protection Order Law (WV Code 5-2A-2a), that I collaborated on with Thomas O'Neill and Senator Charles Trump and others. He says that he issues such orders as part of his initial "standing order" and in appropriate cases during the proceedings. [2]<http://hunterlawfirm.net/the-wv-senate-bill-430-now-a-law-that-no-one-heard-of/>

I was also happy to see it was reported as a significant development in WV family law. I hope and believe the law will improve families' quality of life and even save lives.

And, I was also thrilled to hear an experienced family law children's guardian ad litem who, with her family court judge's encouragement, had acted when the WV DHHR, Child Protective Services division and local prosecutor would not act and filed her own juvenile abuse and neglect petition in circuit court in order to protect her wards. This is the kind of innovative approach that family court must be open to in order to meet the needs of WV families.

Not everyone who practices family law should be doing so, but I am glad that there is high quality CLE available to those who want to avail themselves of it.

1. <http://hunterlawfirm.net/wp-content/uploads/2016/09/WVUCollegeofLaw.jpg>

2. <http://hunterlawfirm.net/the-wv-senate-bill-430-now-a-law-that-no-one-heard-of/>

Memories of a Small Town Lawyer #1 (2016-09-07 14:10)

Today I was showing my paralegal Letetia our old sample form files. Four bankers boxes, carefully tabbed with tables of contents. The results of thousands of hours of work. Been upstairs out of the way 10 years.

I also kept 3" by 5" file cards of every, single, newly reported WV Supreme Court case, indexed in a card box, sorted alphabetically by subject, and by parties' last names.

I created an Apple Database by typing subjects of headnotes into a flat list maker called Appleworks.

And, as if that weren't fanatical enough, I attended the seminars of Charles Hughes of New Martinsburg, or was it Moundsville?

Charlie kept three big 3 ring binders that held every WV Supreme Court insurance case, so I wore out our copier so I could have one too. Of course, it too was tabbed with a table of contents, and we updated it every year until Charlie had his stroke.

Lawyers Coop Rep. Mel Pennington, who could sell you a \$2000 set of Am Jur 2nd in a 15 minute visit, came up with "Autocite", a dumb terminal that printed all cases that cited your case. I wanted to put one in the courthouse. Mel, and his successor Vernon Bailey were great salesmen because they came to town and really were your friend.

Good old days? Not so sure. Information is so much more available now. So much information that we miss a lot, and at least in the national political scene, people seem to be losing the ability to think critically.

Self-Represented Mediation (2016-09-03 18:49)

Let me make a few things clear:

1. People should not be their own lawyers in family court or in pursuing their personal injury claim with an insurance company;
2. The average person, even with due diligence, cannot cope with the power imbalance, the myriad rules, the statutes, the case law, and the techniques necessary to prepare and negotiate their own cases;
3. Even with the help of a skilled mediator, there are risks for the self-represented party, whether the other party has a lawyer or not;
4. Even a well prepared party will often lack the negotiating skills or emotional perspective to obtain a just agreement, and;
5. A failed mediation leaves the unrepresented party with all the challenges of a contested trial.

Here we will leave the subject of personal injury claims, since most of those do not go to mediation until after suit is filed, except to say, here is the link to a search of my blog for the term "personal injury". It has 109 "hits";
enjoy: [1]<http://hunterlawfirm.net/?s=%22personal+injury%22>

If you are still here, perhaps you are facing your own family law matter. Perhaps you are thinking of filing, have filed, or have been sued. If so, first re-read 1-5 above!

I have written an article expressly for the person who cannot or will not be hiring a lawyer:

[2]<http://hunterlawfirm.net/when-you-cant-or-wont-hire-a-lawyer-a-possible-option/> . I have also written a proposal for revision of the family court and civil mediation rules: [3]<http://hunterlawfirm.net/time-revise-mediation-wv/>

Recently, I came upon another approach to the problem. I was contacted by one of two self-represented parties. Not sure whether they were court ordered or had just heard of me, and, for purposes of this article, I prefer not to know. They needed a mediator for their divorce.

Each paid her and his deposit and showed up. In this instance, they agreed on what they owned, what they owed, and what they earned. They had no big dispute over valuation.

The marriage had grown stale, and they were just occupying the same space. They were not bitter, just sad.

We worked out an agreement. She thought she needed financial help for five years, but he was sure she needed it for seven. So, we set it up for seven.

Then we did a rough draft of her petition. She signed it. He filed his own answer, from the circuit clerk's office, admitting irreconcilable differences and joining in a motion to approve their agreement.

I assisted her in preparing a simple order approving it. They both signed it.

She just reported the judge was happy with the agreement and the order. and approved them. They now have their "no fault" divorce. The cost? Under \$1000.

Now they just want to divide his retirement for the 26 years they were together. I think I can do that, unless they are fighting over a "survivorship" provision.

Total cost for the two of them? Around \$1500.

Is this pushing the envelope too far? I hope not. It used to be that a lawyer could be disbarred for "appearing to represent both parties".

I once got a final divorce decree set aside because my colleague, a former WV State Bar President, prepared the answer for the wife. A huge difference was that he really was representing the husband, who paid him, and the wife really did get screwed out of a fair settlement. And the "friendly" appearance meant she believed everything her husband told her the lawyer said, even the stuff he didn't!

But, a mediator does not represent either party. He/she is devoted to the process, to guiding them towards a fair compromise. The limits of what a mediator can do for them are not fully defined. They need to be explored and, I believe, pushed beyond what we are doing now.

I said in a recent blog article that I am chair of The WV State Bar Board of Governors' committee on the future of the law, and I recently attended a very "hi-tech", cutting edge, seminar organized by www.TheLawyerist.com on the future of the law called "TDBLaw" in St. Louis Mo., [4]<http://hunterlawfirm.net/future-of-the-law-2016/> .

I also have read the ABA report and the N.C. Law Review Vol. 67 on the major areas of "the future of the law".

The views expressed here are my personal views and not the those of any bar association or group.

One idea that is gaining ground is "unbundling" of legal services. Here is an example.

What is wrong for a party or parties, if he/she/they are not going to hire a lawyer, to go to a trained mediator? If;

1. They are essentially in agreement? Or,
2. There are clear, even strong, differences, but there is civility?

I say, "Nothing.", but I have a counter to the implications of that question.

Often, one or both may not be candid about emotional or physical abuse, drug or alcohol abuse, or have a "secret" that one holds over the other.

How can the mediator guarantee that she/he will not end up facilitating an unfair agreement?

Answer? She can't!

But, in a state with 70 % of the litigants unrepresented in family court, with drug abuse rampant, with overworked judges who are lucky to spend 30-60 minutes with the parties before deciding their fate and their children's, isn't it better to have them spend a few hours with a trained facilitator?

I say, "Yes!" to that too. I propose that WV mediators and judges push the limits of mediation for unrepresented parties.

I also propose that lawyers be permitted to provide as little as an hour of her/his time in meeting with a party in helping them prepare for mediation.

Here are a few caveats:

1. A mediator must be prepared to back off or not prepare documents when he/she "smells a rat".
2. A mediator must be prepared to announce that the parties really should have lawyers and to explain why.
3. A mediator must get signed waivers if the mediator is going to "ghost write" a pleading to be signed by just one of them. And I am dubious that the mediator can draft the responsive pleading. Personally, I think that should be allowed, assuming both parties agree.
4. A mediator who is going to experiment with this kind of unbundling must have fine "antennae" and excellent mediation skills and family law expertise. It is not a job for sissies.

In short, just as we are not supposed to take on a case we are not trained for, we should not be tackling mediation we are not qualified for.

I am comfortable with the one mediation I have done this way to date, and am posting this with the hope of getting some feedback from colleagues, even judges, or members of the WV State Bar.

I thank my friend Scott for his insightful and constructive comments, and to my wife for listening to them.

1. <http://hunterlawfirm.net/?s=%22personal+injury%22>
2. <http://hunterlawfirm.net/when-you-cant-or-wont-hire-a-lawyer-a-possible-option/>
3. <http://hunterlawfirm.net/time-revise-mediation-wv/>
4. <http://hunterlawfirm.net/future-of-the-law-2016/>

7.3 August

Photographic Literacy: Ideas for the Small Firm Lawyer or Intelligent Lay Person (2016-08-31 00:34)

[1] 

Burt's Sony Cybershot DCS RX100

Everyone has become a photographer/videographer. That's good for Rodney King, but it sure leads to a lot of bad photography.

What should a small lawyer or an intelligent lay person do? You are taking photos/videos every day. Shouldn't they try to capture reality, or even be creative, or, occasionally, art?

Here is what I use my camera for at work:

1. I use my iPad in a ClamCase hinged case to video the elderly or infirm before they sign their will. I make sure they are thinking clearly, have the person who accompanied them wait outside, and I let them confirm the who/what/where/when, and explain why they want what they want. None of my wills have ever been successfully challenged.
2. I photograph many of my personal injury auto accident scenes, even supplementing my accident reconstructionist.
3. When I meet the clients early enough, I photograph my clients' injuries. It is shocking how poor the photos are that clients' family, or even police officers, take of such injuries.
4. I photograph my inspections of real estate. Recently, I was pleased I could provide to my three sibling clients, sharp, clear, properly exposed photos of all their deceased mother's collectables, including blank spaces where other siblings had removed some items.
5. I archive inventories of my office and home personal property.
6. I edit photos brought to me by clients, of themselves or of their property or of collisions or damaged vehicles.

7. I snap photos of the judge and the adopting family. That's always fun!
8. I take dozens of photos for my marketing; for my Yellow Pages ad, my website, my blog articles, and for claiming my page on 60 different social media sites.
9. I have shot many information videos, but need to learn the software before I do many more. The iPad and iPhone take great videos.
10. I have taken hundreds of family videos. I try to keep them 30 seconds or less, but I have taken many "family history" videos, which I save to DropBox.

My Photography Roots

I was fortunate to have photography as a 4-H project in the late '50's, I had access to a Kodak Retinette IA .35 mm. and a Polaroid Land camera, model 900. Both had "electric eyes" but allowed manual control. What a teaching tool, manual control. The Polaroid Land camera, with a bellows, provided great feedback for the new photographer.

I think I am a good photographer. At the very least my photos are well framed, composed, and edited. Now that everyone's smart phone can take good shots, what a waste to have shadowy figures, whited-out skies, and tiny, blurry figures. At last count, I had around 50,000 images.

Some basic tips:

1. Learn the basics.
2. There are myriad sources, including books and magazines.[2] ✖ [3] ✖ **From The Great Courses**
3. I have taken several of "The Great Courses", which have at least three photography courses. Also Udemy.com or Lynda.com. There is no excuse for taking bad photos.
4. Decide what you need. I have friends with great SLR's (single lens reflex). I used to have a Nikon 6000. But, I decided that with the number of photos I take, I needed something as convenience as my iPhone. In fact, I now take the majority of my photos with my iPhone.[4] ✖
5. I found a camera, \$800 then, and \$400 now, a Sony Cybershot DSC RX100, with a 20.2 megapixel sensor. My iPhone is 8 meg. There are Nikon and Canon equivalents to the Sony. If my budget permitted, I would still have an SLR but never as my only camera.[5] ✖
6. In preparing this short article, I realized I have been using my Sony less because of the iPhone's convenience, so I have ordered an Eye-Fi wireless HD memory storage card with one year free online storage.
7. I suggest that you find a few favorite iPhone Apps, or check with your geeky Android (Google) friend. Here are mine.[6] ✖
8. For simple, effective, editing, I use "Camera +". Its half dozen preset "scenes" usually have one I like.[7] ✖
9. For daily snapping, I use the built in iPhone Photo App. It has a terrific pano mode, and it has video. And Apple has a simple video editor that allows you to clip off what you do not want in your video.

10. Even if you do not have a scanner like the ScanSnap described below, I have found a scanning app called "Photomyne". It allows you to photograph a page from your photo album, autocrop, and save as individual photos. It requires some fine tuning, but you can still scan a whole album in ten minutes!
11. Still, the scanner you cannot do without is a Fujitsu Scansnap 1500. There are many models, but, if only one, get the newest \$400- \$450 model. It will come with Adobe Acrobat, is bulletproof, scans 40 pages a minutes, is wireless, and can create searchable PDF's or .jpeg photo images, and send them to the ScanSnap File Cabinet, Evernote, OneNote, a folder on your computer, DropBox, and many more. It is also an essential component to a "paperless office.
12. My staff has been resistant to doing away with the classic copier, so I also have a high-nd Toshiba multifunction photo-copier, color copier, scanner, fax, printer. At \$500/mo. it is a luxury we should give up, but each time we threaten to give it up, we get a new and better lease. But, remember, the ScanSnap is a sheet feed, while the Toshiba also does books and other objects not susceptible to sheet feeding. Do your homework here. Have a great time, and learn, learn, learn.

1. <http://hunterlawfirm.net/wp-content/uploads/2016/08/SonyCybershotDCSRX100.2.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2016/08/HoToPhotography.jpg>
3. <http://hunterlawfirm.net/wp-content/uploads/2016/08/GuidebookPhotography-1.jpg>
4. <http://hunterlawfirm.net/wp-content/uploads/2016/08/SonyCybershotDCSRX100.jpg>
5. <http://hunterlawfirm.net/wp-content/uploads/2016/08/EyeFi.jpg>
6. <http://hunterlawfirm.net/wp-content/uploads/2016/08/CameraPlus.jpg>
7. <http://hunterlawfirm.net/wp-content/uploads/2016/08/Cameras3.jpg>

Future of the Law 2016 (2016-08-23 02:47)

[1] 

My Conning Tower to The Future of The Law

As Paul Newman said in his movie, "The Verdict", "Now is the time; there is no other time!" I have been fussing with and putting off this blog post all week. I sheepishly acknowledge that this has turned into a curmudgeon's view. That was not planned or intended. Apologies to anyone I offended.

[2] 

Filament - Site of TDB Law Conference

It is time for me to survey this subject, for my colleagues, for the WV State Bar Board of Governors' Committee, "The Future of the Law", which I chair, and for my "Slack discussion group" on TDBLaw which promises to be active until next year's conference "TDBLaw 2017":

[3]



TDBLaw Sponsors

I have learned, from publications from South Carolina, Utah, Michigan, and the ABA that "The Future of the Law" is becoming a "big deal" subject. But, I have also learned it can be made into a very boring subject!

[4] ✕

[5] ✖

The Scholarly View

That's funny, because I have been writing on this subject, with great interest and enthusiasm, from many different angles, for seven years. www.hunterlawfirm.net. I find it to be a consuming interest, but I have had little success in spreading the excitement. Perhaps these scholarly studies will have greater success.

I have been building to what I call this "Age of Science Fiction" since before I could read, well over 60 years ago. I confess that I was sure we would have a colony on the moon, and in one or more great space stations, long before now, ala' Clarke/Kubrick's "Space Odyssey 2001".

America and the world have lost their way in that regard. But, the underlying technology is "evolving" swiftly, and "H.A.L." may not be too far away.

It may take a crisis, but if we haven't delayed too long, it will be a massive creative burst. I hope to see it.

in the 1950's, I heard space heroes on the radio, Tom Corbett, Flash Gordon, H.G. Wells' "War of the World's" and many others, in spaceships flying between planets and encountering something called "asteroid belts"!

In my mind's eye, these belts had buckles. And "Little Sparky", Big John's friend, was a real little boy not a marionette! That belief was dashed at a live show at the Capital Theater in Wheeling, WV. I have been a skeptic ever since I figured out Santa Claus in 1951/2.

When you have followed the brilliant minds of Asimov, Clarke, Silverberg, Heinlein, Bradbury, Le Guin, and so many others, the arrival of "the future of the law" prompts only, "What took you so long?"

Comments like these above did not seem to resonate with my fellow attendees at the TDBLaw Conference, last week-end in St. Louis. It was hosted by "The Lawyerist" website and podcast, <https://lawyerist.com/>, and

hosts Sam Glover and Aaron Streets in conjunction with Matt Homann of the "Filament" conf center..

Matt was a friendly and engaging host, as was his friendly and helpful staff. They made my wife, Nancy, the only "spouse" appearing, feel comfortable and at home.

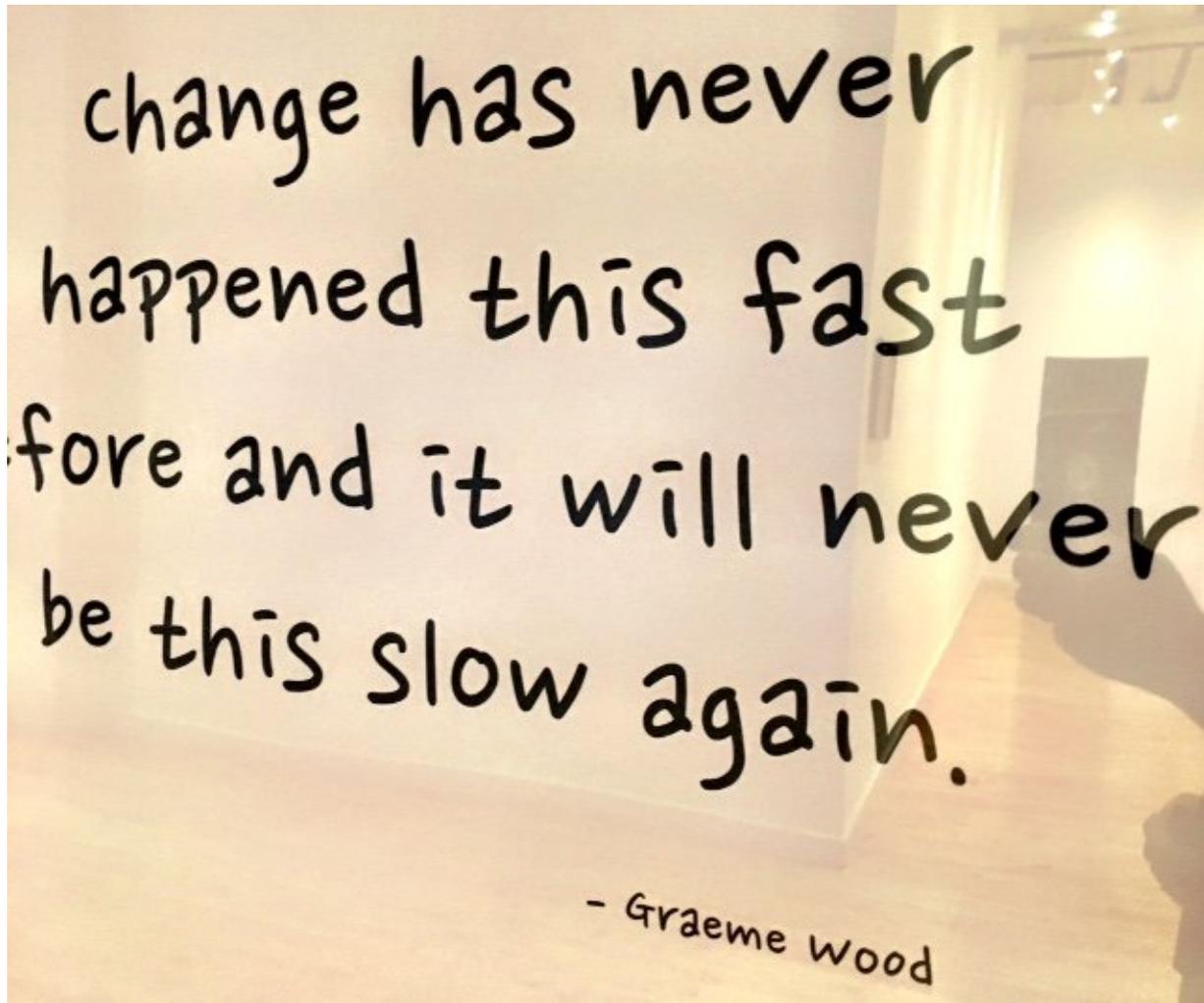
Sponsors of TDBLaw were four cutting edge companies, Affinity Consulting, "Fastcase", ARAG, and Clio. More about them later.

Besides being a science fiction and reading "junkie" (lots of history, science, biography, philosophy and, more recently, religion), during my time in law school I became a "futurist", and wrote an essay that began, "Some day mankind will fly to the stars." That of course is problematical and not likely for centuries, but I

enjoyed reading that essay just a year or two ago.

The "eye opener" for me, in 1970, was the book "Future Shock" by Alvin Toffler. This slide from the entry hallway at "Filament" sums up the book:

[6]



I cannot count how many "futurist" type books I have read since then, including "What Technology Wants" by Kevin Kelly, "Five Regions of the Future" by Joel A. Barker, "Long for this World: The Strange Science of Immortality", by Jonathan Weiner; "The Singularity is Near" by Ray Kurzweil, and a boring and soulless tome titled, "The End of Lawyers? Rethinking the Nature of Legal Services" by Richard Suskind.

I posted to TDBLaw's "Slack" chat application a long list of relevant books, books on the history of science, "The Age of Enlightenment", on Newton, Spinoza, Leibniz, Galileo, Darwin, Einstein, Epicurus, Lucretius, Mohamed, the Gautama (Buddha), Jesus, Jefferson, Washington, Hamilton, and many lesser known, on the history of the document, "Scrolling Forward" by David M. Levy, "The Myth of the Paperless Office" by Sellen and Harper, "Small Pieces Loosely Joined" by David Weinberger, "Thinking Fast and Slow" by Daniel Kahneman, and a whole raft of stuff by the "new atheists", Richard Dawkins ("The Blind Watchmaker", etc.); Sam Harris ("The End of Faith") and Christopher Hitchens ("God is Not Great", "Hitch 22", and "Mortality");

Above all, I recommended Oliver Wendell Holmes, Jr's great essay, "Natural Law", which opened my eyes to the world around me and gave me my foundational beliefs in my own "can't helps".

There were no responses, so I took it down, and none were "recommended reading" at the conference.

I feared that what I had to say at the TDBLaw Conference would not resonate with my peers. I was correct. And, of course, having been admitted to practice in 1972, most of my peers were my children's ages.

As advertised, TDBLaw did not have "speakers"; well, a few during the last morning, but even they were reporting a collaboration of many ideas.

The folks at the seminar seemed very little interested in my passion, "document assembly". When I suggested a free, fully functional, 90 day download of a terrific application, "Pathagoras" document assembly, www.pathagoras.com, no one wrote it down.

Barron Henley of Affinity is a master of "HotDocs", a document assembly application published by Lexus/Nexus, but I haven't been able to make that product work for me.

Barron has a remarkable six hour course on bringing out the best in Microsoft Word that every lawyer and paralegal and secretary should take. Ray and Barron, together, offer the small firm lawyer tremendous tools and potential power in the use and production of words, using Word.

What works for me with Pathagoras is the great service provided by its inventor and owner, Roy Lazris, and the fact it is integrated to Word and not "proprietary".

Even HotDocs seemed to get little attention from the folks at TDBLaw, and I didn't get even one new template for my form library. Lots of talk of "bots", "AI", "coding", and "hacks", but very little about hardware or software that a small WV firm could readily utilize.

Going back to my own blog, I see that I got 31 "hits" in searching my blog for the word "Pathagoras": <http://hunterlawfirm.net/?s=Pathagoras>. Clearly, I have been "Whistling in the wilderness."

When I tried to convey my passion for the subject of "the future of the law" and the need for each of us to write substantively on the things we know and to share it for free, one young "Turk" said, "Oh, so you've got a blog. We all do." and, at least metaphorically, rolled his eyes at the foolish old man. Do they, all? Really?

I was surprised that the group seemed little interested in marketing and social media, even though I feel it is a great way to "spread the word" for innovative lawyers. My "on the cheap" ideas, such as "www.Yext.com" didn't motivate even one person in our discussion group to write it down.

I have summarized my ideas for using affordable technology, combined with established low tech procedures and social media for marketing, in three posts uploaded to my blog on Sept. 24, 2015.

These posts were my CLE presentations at the WVU College of Law the first week in October, just a year ago: <http://hunterlawfirm.net/suggestions-for-operating-and-marketing-a-small-firm-efficiently-and-on-a-budget/>.

Finally, on the subject of legal systems for every endeavor, I mentioned "The Checklist Manifesto" by

Atul Gawande, and yet another "techy, in the know" lawyer in my group rolled his eyes, as if to say "Checklists are so passé'.

Folks, these books weren't written in the 80's. Checklists are at the heart of modern surgical medicine and commercial air travel. Building them into intelligent computer systems is an obvious need, at least to me. To tell you the truth, I think it was "the messenger" and not "the message". Checklist MUST be built into every "AI" system.

Or perhaps these subjects are simply not "on the radar" for the classy group invited to this conference.

So, thereafter I shut up. I skipped the four hour Monday evening "hackathon" and took my wife out for her birthday dinner.

I STRONGLY recommend a "five star" (reviews) restaurant on Washington Street, St. Louis, Mango, <http://www.mangoperu.com/> .

Don't get me wrong, I hung out with some bright, passionate, and brilliant lawyers. Here are a few, names withheld:

1. A 68 year old, dynamic, big ego, civil litigator, who loves to use the technology of e-discovery, who loves to have the jury in the box and the great puzzle spread out around him. He intends to practice until he drops, loves what he does, and predicted at our "what's next" discussion of the future of lawyers that the practice of law as we know it will be over in ten years.
2. A 60 year old Michigan appellate lawyer, adjunct professor at a Fla. law school, teaching solo and small firm and "virtual" practice, who has fended off the "unlawful practice committee" of the Fla. State Bar and practices in Michigan while residing in Fla., and he rarely steps foot into his home state. He and I had some remarkable parallels in our lives, including some early grade struggles, until we got top grades in "jurisprudence", the philosophy of the law.
3. A bright, young, attractive female estate planning and "end of life" attorney, and her law partner. She reminded me of my own granddaughter, and they both radiated enthusiasm for what they do and devotion to clients.
4. A slick, sharp, ambitious, young, Utah, personal injury trial lawyer, who fully intends to be the dominant PI firm in the state using state of art technology. He clearly understands the importance of branding and a clear presence on the Internet.
5. The CEO of Fastcase who radiated brains and intensity, and actually seemed to know what I meant about "The Age of Enlightenment" and the co-inventor of calculus, with Sir Isaac Newton, Gottfried Wilhelm Leibniz, https://en.wikipedia.org/wiki/Gottfried_Wilhelm_Leibniz . Spinoza and Leibniz took opposite positions on the existence of a "prime mover", as described in "The Courtier and the Heretic" by Matthew Stewart.
6. Fastcase is headed to an intuitive feel for what we really want to know. Time for me to find a webinar, but today I found 300 cases, including the "top ten in WV" on the issue of partitioning of real estate in kind (in pieces); it comes free with our WV State Bar membership. Remember when our law library cost 600 per month and Westlaw was \$300/mo. for a sole practitioner? That's technology.

7. A vivacious young woman who sells "ARAG", "legal insurance"; not malpractice, but 11,000 lawyers on call to provide insurance services for subscribers. They, "Legal Zoom", AVVO, and others will forge ahead providing online and other services, and lawyers will be crazy to ignore them.
8. I also spoke to Clio's representative. Clio is a cloud based practice management system. When any of those guys hear that I have a 40 year database with the earliest data coming from my Apple II's and floppy drives, they sort of steer clear, but integrated practice management, docket calendaring, built in checklists and the like are going to be essential, for large and small firms alike. But, NOT MISSING DEADLINES, and following up with and responding to clients are at the core of any effective practice.
9. I met another guy with an income tax practice, and a guy who says he will not use social media because he represents defendants in "white collar crime", and although, "They aren't really dangerous, I wouldn't want them knowing where I live". Does he REALLY think they don't know? Perhaps he needs to upgrade his home security system. I was once told by the county prosecutor that it is the busy divorce lawyers who should worry, and we're the ones who need to master social media.
10. Two intense, "hair on fire", smart, techy, dedicated, public service lawyers who want to be able to quadruple the services they provide to the poor.
11. A tall, geeky, serious, reserved, young lawyer who creates his practice by taking people to lunch and calling to follow up two weeks later. I wish I had more time to find out why he was at this particular meeting.
12. A nationally known lawyer author who teaches "mindfulness" to the legal profession.
13. A young, also nationally known, lawyer who is using "AI" provide online legal services supplemented by herself and her staff.

Lots of great ideas, and practitioners of "future law".

Report to "Future of the Law Committee", WV State Bar Board of Governors.

Let me give you a concise summary of some "future of the law topics":

1. **"Disruptive innovation"**: these are new ideas erupting from bright and innovative minds, often without, or even against, "the powers that be". Here are two of my ideas for "unbundling" and packaging services for a flat fee:
2. "When You Can't or Won't Hire a Lawyer? A \$500 Option": <http://hunterlawfirm.net/when-you-cant-or-wont-hire-a-lawyer-a-possible-option/>
3. "Your Legal Checkup and Review - \$500" : <http://hunterlawfirm.net/free-power-of-attorney-annual-legal-checkup/> .
4. **"Court Annexed Dispute Resolution"**:
5. The most obvious component is mediation. I was surprised that "the learned study" of mediation referenced in Vol. 67 of the South Carolina Law Review has a sophomoric discussion of caucusing, something the family lawyers in our jurisdiction have mastered and utilize to great effect daily. My experience is that caucusing these parties (often parents) helps to defuse the emotion and allows a mediator to "translate" the views of the other side in well framed words.

6. My former belief that the parties should hang in there "face to face" are long gone. The academic language and dry approach to the subject of family court mediation left me cold. In searching my blog, I find I have referenced mediation in 79 articles.
7. The idea that experienced lawyer/mediators should not affirmatively make predictions and comments on risk/benefits, assuming the party consents, is ludicrous. A party's subjective feeling that she/he was pressured into an agreement may simply mean the effective mediator and realistic counsel convinced a reluctant party to accept the best compromise and avoid a trial. That is my experience.
8. When I wrote an article espousing the streamlining of mediation, implementation of mediation in virtually all cases, and conforming family court mediation rules with civil actions, the primary response was that it wouldn't work. I think it will and will continue to espouse fewer impediments to creative mediation.
9. **"Pro bono services for the poor."**
10. Pro bono services (pro bono publico, "for the good of the public"), as a duty of our profession, was strongly in place when I returned to the civilian bar in 1976. It has not solved the problem of expanding services to the low income consumer.
11. Our State Bar now has an online version, which is a good idea, but which has been too "un-user friendly", at least for me. Talk about a site that needs "gamification (see below)" and rewards to the participants.
12. While supporting the pro bono concept and "legal aid", salaried Legal Aid lawyers and subsidized private attorneys, I have written from another point of view. That view is motivating solo and small firm, and other, lawyers to provide unbundled and low cost services.
13. If 70 % of family court participants have no counsel, what if private attorneys has a way to provide thousands of people valuable services at low cost?!
14. It is unrealistic to believe we can meet the needs of the poor, let alone the working poor, with free services from overburdened lawyers working in a high stress environment. In WV, there are so many lawyers dependent on the court appointed system, and the low rates associated therewith, that getting much pro bono work out of them is unlikely.
15. Instead, I have suggested a new emphasis of broadening what mediators are allowed to do, such as prepare a simple complaint, ghost written for one of the parties, IF they have negotiated an amicable agreement.
16. I also fell flat at TDBLaw with my anecdote of the prisoners who were dying in droves in ships headed to Australia from England. Ship captains got to keep any provisions left over! Only when they were paid for the living, healthy prisoners that they delivers was the problem solved.
17. Likewise, appealing to lawyers' "better selves" will be less effective than appealing to "enlightened self-interest. A person can be motivated to do well for others AND for themselves and their families.
18. As I say above, have a \$500 package for "people who cannot or will not hire a lawyer for their divorce" and another for a "legal checkup" that provides, at the very least, a review of their insurance coverages, whether they need referral for an estate plan, simple wills, durable power of attorney, medical power of attorney, and review of other potential legal issues such as disputes with neighbors, consumer complaints, or problems related to aging parents.
19. **"Legal aid and "legal services" for the poor."** This is another longstanding entity, facing very, very tough times with lawyers' IOLTA trust accounts drawing little or no interest. And, again my personal opinion, purporting to provide services that really require an attorney, cuts out the private bar from services they might be able to provide if the rules were so written.

20. **"Immigrant access to justice"**, while important, is outside the realm of my WV experience.
21. **"Online dispute resolution", "ODR"**, has great potential. E-bay has been handling such things for years. Civil and family mediation still seem to me to need a good human mediator, but I see great potential for a good mediator to find software that would let her/him provide human assisted ADR while AI development moves forward on mediation in all types of areas, especially small claims and consumer complaints.
22. **"Legal Start-ups"**: We were told at TBDLaw, whether true or not I know not, that there are more start-up funds available for legal services than any other industry.
23. **We discussed , "airport and shopping center kiosks"** (I have heard divorce kiosks exist "out west"). I remain of the belief that no matter how great the forms or fun the interface, you cannot turn a non-lawyer litigant into a lawyer. They lack the verbal skills and leverage to protect themselves or their children.
24. **"Mobile legal clinics"**, and;
25. **" Legal incubators"** where small firms and sole practitioners share receptionists, equipment, common space, child care, and pet services.
26. These ideas sounded great to me! No doubt it is different now, but law school, for me, never taught us how to operate the business of practicing law.
27. Training in business planning, accounting, marketing, and staffing will be invaluable for graduate lawyers, especially those faced with "hanging out a shingle". <http://hunterlawfirm.net/hanging-out-your-shingle-not-for-the-faint-of-heart/>
28. **"Gamification of legal services,"** seemed pretty much like finding government and other services on line, with lively interface, rewards, graphics, and interaction that motivated people to persevere until they get good results. This is our modern reality, whether finding medical insurance, Social Security service, banking services, or government websites.
29. **"Global lawyer regulation"**, again, is "beyond my pay grade".
30. **"Unbundling"** makes the best sense that it ever has!
31. We need deep discussion of what a lawyer can do.
32. My \$500 preparation package for the person who cannot afford a lawyer give a person MUCH more than a Legal Aid class can. I ghost write documents, give guidance, use "document assembly" and, more often than not, for a few dollars more, get hired to accompany the person into court.
33. Once the client learns what is really involved, they are afraid to go it alone. That's a good thing, and I never urge them to hire me if it is a "done deal" which is rare.
34. If we have to take clients a small step at a time, dropping out when the client runs out of money, how is that better in forcing lawyers to have to file formal motions to withdraw, attend an expensive hearing, begging to be released, and sometimes being "joined at a hip" with a client they no longer wish to represent, than not having a lawyer at all?
35. I say the vast majority would be better if helped in putting together their financial documentation, preparing their proposed parenting plan, or preparing for mediation or trial. I say train lawyers to "unbundle" in an ethical way.

36. **"Law School Incubators"**, mentioned above. I have lots of ideas here. One TDB'er had a great idea of law schools' forming co-ops for its young graduated lawyers who want to "hang out a shingle". I foresee opposition from the local bar to this one, but it is a subject to explore.

The WV State Bar Board of Governors' "Future of the Law Committee".

1. I do not expect to chair this committee beyond this year. I differ too much from "the powers that be" who are intensely well-meaning, but I believe our WV Supreme court and our State Bar are too distant from my "real world" or "the trenches" to accept or even understand what I propose.
2. No doubt the committee needs someone more "open minded" than I because I have formed strong opinions on almost all these subjects. I hope, at the very least, that I have made an impact on convincing someone that this is a terribly important subject. And, I hope the next chairperson will be more tactful than I but not be timid or tech ignorant, or who believes, "But that's the way we always have done it.", and who has a thicker skin than I do.
3. Along the same vein, I do I not expect to be invited back to TDBLaw.
4. The "techy lawyers" are unlikely to have come from the world I have, where deep and wide reading on all subjects is the norm.
5. And, I lack programming and other skills, and, with the "big 7 0" birthday behind me, never going to get them.
6. I feel the young, intense, "always wanted to be a lawyer", hi-tech lawyers may fail to see the importance of a "liberal education". I cite Fareed Zakaria on the value of a liberal education: [https://www.amazon.com/Defense-Liberal-Education-Fareed Zakaria/dp/039335234X/ref=sr_1_1?s=books &ie=UTF8 &qid=1471735373 &sr=1-1 &keywords=Fareed+Zakaria+and+liberal+education](https://www.amazon.com/Defense-Liberal-Education-Fareed-Zakaria/dp/039335234X/ref=sr_1_1?s=books&ie=UTF8&qid=1471735373&sr=1-1&keywords=Fareed+Zakaria+and+liberal+education)

I hope I have contributed to the dialogue, surveyed the subject, provided ideas for debate, and positioned myself to move back into my "curmudgeonly role", of commenting from a near distance on the world around me. I will disengage from actual participation via seminars and professional meetings.

And, now for my views on Donald Trump!.....see you on my personal Facebook. Start with my professional page: <https://www.facebook.com/JBurtonHunterIIIandAssocsPLLC/>

And come subscribe to my "grouchy blog": <http://hunterlawfirm.net/>

As they say on FB: :)

[7]

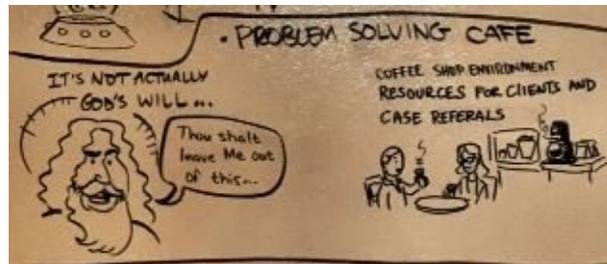


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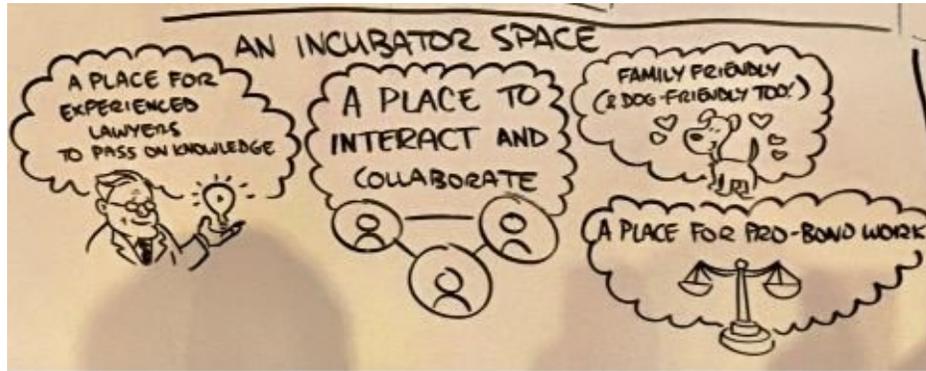
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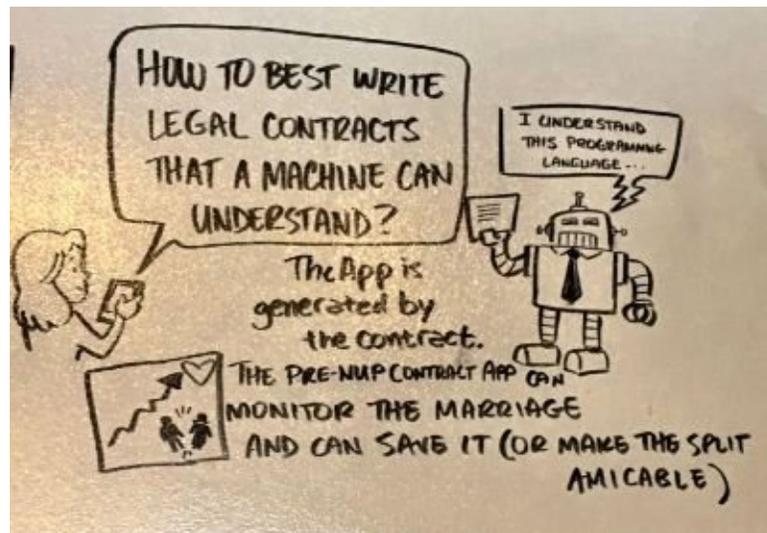
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2. <http://hunterlawfirm.net/wp-content/uploads/2016/08/FilamentHackATHon.jpg>
3. <http://hunterlawfirm.net/wp-content/uploads/2016/08/13Sponsors.jpg>
4. <http://hunterlawfirm.net/wp-content/uploads/2016/08/ABA-Future-Report2-2016.jpg>
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16. <http://hunterlawfirm.net/wp-content/uploads/2016/08/9PrenuptBot.jpg>
17. <http://hunterlawfirm.net/wp-content/uploads/2016/08/10SafeTravelsAirportKiosk.jpg>

7.4 July

Return From My Blogging Sabbatical (2016-07-01 22:50)

[1]



The View From Our Office - Corner Main and N. Kanawha; Create Buckhannon's Art Project Mural - A Great Small Town!

It has been May since my last blog article. Yet, I love to write. What's up?



Our Office: 1 West Main Street, Buckhannon, WV 26201

1. Two visits where we were privileged to watch precious Grandchildren for several days.
2. An argument in **Hayes v. Brady** before the WV Supreme Court of Appeals which resulted in an adverse memorandum decision, and our “Petition for Rehearing” that we filed yesterday. I focused on the case that the Court said I should have discussed and the strong dissent in our favor by the Hon. Justice Menis Ketchem. Now, if I can just communicate effectively with the rest of the court. If not, my bad.
3. A failed effort to commence our collaboration with the WV Department of Education on this year’s Video Competition. I had hoped to use the subject the Articles of Confederation and tension between the states and federal government, but in a time of great stress, it isn’t going to be. Sorry.
4. My seminar presentation on law office technology, the third in seven months, for the WVU College of Law CLE Series. Such efforts are great fun, but take more time than you might think.
5. The WV Association for Justice Annual Meeting, two days in June, and a valuable seminar on law office technology by nationally known speaker Barron Henley of Affinity Consulting.
6. My duties to mow nearly 10 hilly acres.
7. For the rest of the summer we have:

- (a) A pleasant week in Ct. with my wife's family.
 - (b) Two weeks here for "Camp WV", two boys first, to the Cass Scenic Railway, and the two girls to Blennerhessett Island on the Ohio River.
 - (c) 3-4 days to and from the "TBD Conference", invitation only for 70 lawyers on the cutting edge of technology, marketing, and the "future of the law".
 - (d) Now that the wood has been delivered, the long delayed built in bookshelves for Burt's library. "Where's the manual for that router?"
 - (e) Presenting a report as Chair of the WV State Bar "Future of the Law" committee at the WV State Bar quarterly meeting at Snowshoe.
 - (f) 50-60 hour work weeks.
8. I will be cutting down on some of the "out of the office stuff". I will not help author any bills, and will not be running any video competitions. That's some big responsibility off of my plate. I cannot do those things every year.
9. I will distill some serious thinking brought on by a recent "big birthday", by concerns about the changes in my profession, my because of my desire to market myself and educate the public, and my interests in so many things.

So, the blog writing will resume. See you soon.

[2]

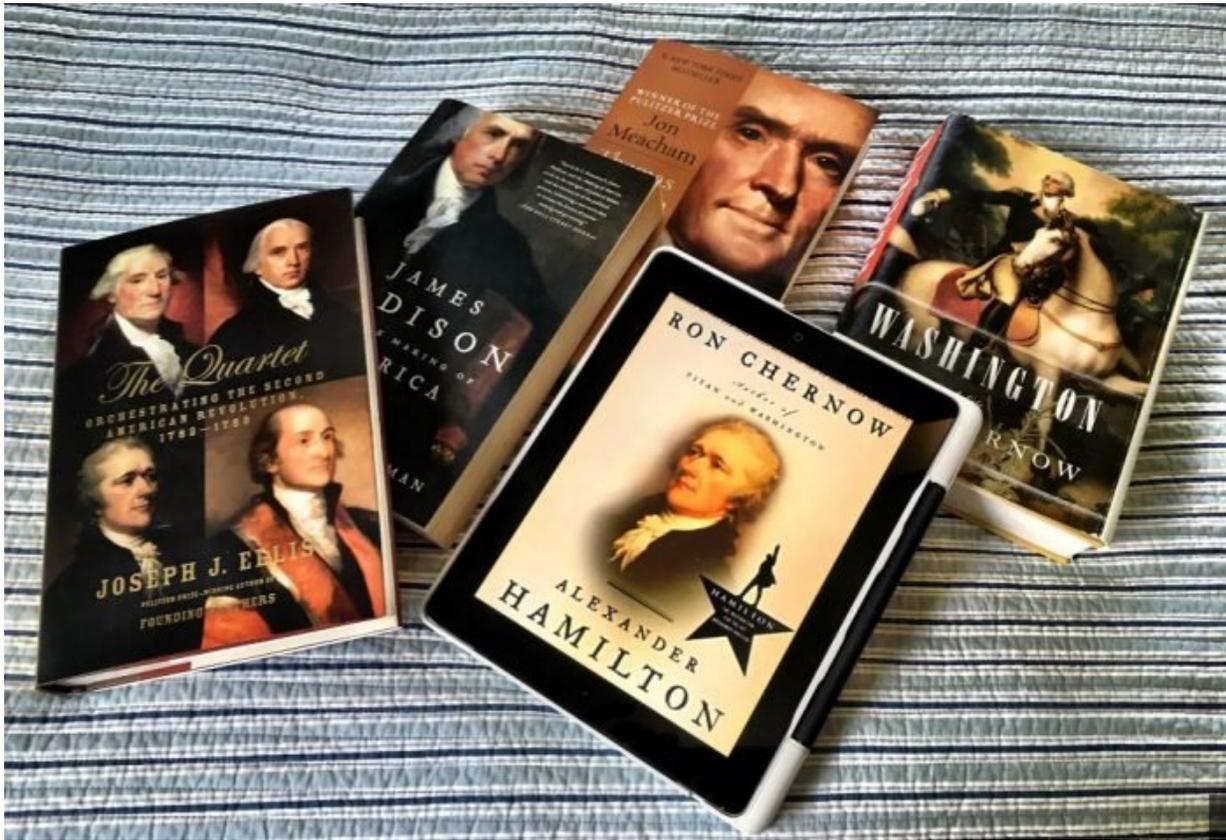
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7.5 May

Time for a Subject for the 2016-2017 Video Competition (2016-05-10 19:04)

[1]



I am struggling with the title for the 2016-2017 WV State Bar and Dept. of Education Video Competition for Middle School and High School Students.

But, I think I have settled on the subject. The news of yesterday and today reminded me that this issue is still in the forefront of American politics, 230 years later. The State of North Carolina is lined up against the Federal Government, with the University of North Carolina and its students in the middle, on the issue of “gender equity” and the use of restrooms. The greater issue is the power of the States vs. the Federal Government: which gets to decide who gets to use public bathrooms?!

But, let’s roll this back @ 60 years to when I attended the annual Carnival in Fulton, Wheeling, WV. A few years earlier I had learned that age 6 was too small for me to ride upside down in the bullet ride. My screams got my Father to stop the ride, and I felt like a baby. My ears still burn from the embarrassment. And I sucked it up and rode many a scary amusement park ride since then to help make up for it.

But, at around the age 10-12 I was drawn into a tent to see a “Hermaphrodite”. What might that be? I had no idea, and I have no idea how I managed to get into the tent, but I remember no girls were allowed. Guys of various ages were crowded into the tent.

Out came a person dressed in a revealing two piece outfit. He/she gave us a little spiel, explaining that not all people are either male or female. She explained that she was part of each. Thus, she had breasts, a beard, a woman’s voice, and a surprise. She stressed that this was serious business, not for titillation, and asked that no one make fun. He/she opened a little flap in her undies and pulled out a 2 inch penis, which she then stretched to about 3 inches. She gave it a good tug to demonstrate that it was both real and diminutive.

We pondered this for a few minutes. No one acted up that I can remember, and we walked out, single file, as if we had just been to a museum. It was very educational and well worth the \$.25 admittance.

Which bathroom did this person use in the last 60 years, assuming she/he lasted until the age of approximately 90? With a beard and penis, one would think the boys room, but she assured us she had a perfectly functional vagina also, and that woman's voice, and the breasts!?! She spent her life not being welcome in either one. To me that's sad.

The people featured in the photo above were part of a small, elite, brilliant, group who set the agenda for the transition from The Revolutions of 1776 to the US Constitution of 1787. Each was a bona fide hero, each was brilliant, and at the center was George Washington, whose stature may be the primary reason the states accepted a strong central government, with the right to tax, over objection of the states.

The author of **The Quartet** , Joseph E. Ellis, tends to give Madison more credit than Hamilton, Jefferson, or Jay for the authorship of the US Constitution and its Bill of Rights. But he credits them all for the brilliance and volume of their writings in The Federalist Papers.

Chernow credits Hamilton for defeating Governor Clinton and almost single-handedly wrestling the Constitution through the New York Legislature, and for writing more than half of The Federalist essays. Ellis also believes that rather than a set of core beliefs, Madison consolidated the approximately 18 suggestions for itemized rights into the current number as a political move to placate the states.

And, it worked!

The author of **The Quartet** also believes that the founders would be amazed that we treat this cobbled together document with such reverence, as it was a bastardized creation with intentionally ambiguous "checks and balances" so that the majority could not tyrannize the minority and the biggest states could not dominate. The Founders left it intentionally ambiguous so that the balance between states and nation could be sorted out later. With an issue like slavery looming, and the failure to create a functioning nation being unthinkable, it was their only hope. And they did a great job.

So, I have no catchy title like "Magna Carta: It's Significance in its 800th Anniversary Year", but I will soon. Mr. Ellis assures his readers that the transition from a confederation of autonomous rebel states to a united and powerful nation was neither easy nor pre-ordained, and that it was the most important political development in our history. That transition should be worthy of a video competition. Title suggestions will be appreciated.

Stay tuned. jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2016/05/111Constitution.jpg>

Is It Time to Revise Mediation in WV? (2016-05-04 22:37)

(Editor's Note: I have received some constructive criticism that my effort to promote common mediation rules for all courts is an over-reach. I understand that criticism, and will try to address it. The rules for circuit and family courts are detailed, and the drafters have a proprietary interest in them. And, standards must

be maintained, and methods in place for the payment of mediators. I would opt for ambiguity so that such things can get sorted out in the process, just like the Founders did when they moved from the Articles of Confederation to the U.S. Constitution.)

But I still answer the mediation question above with a resounding "Yes!". Here are my thoughts:

1. I wrote of the history of mediation in W.V. back in 2010: [1]<http://hunterlawfirm.net/mediation-collegiality-and-professionalism/> .
2. The limitation of family court mediation to "children's issues" was a terrible mistake. It led to some terrible deals and inhibited the implementation of mediation in family court and of lawyers' participation in the mediation process. Mediation should be for "children's issues", property division, debt division, alimony, everything. Special challenges when domestic violence and substance and alcohol abuse must be recognized and dealt with.
3. And I elaborated on some of the differences between "civil mediation" and "family mediation" in 2012: [2]<http://hunterlawfirm.net/a-foot-in-each-camp/> .
4. I also wrestled with the differences between juvenile abuse and neglect and family court: [3][http://hunterlawfirm.net/children-guardians-ad-litem-the-law-and-society /](http://hunterlawfirm.net/children-guardians-ad-litem-the-law-and-society/) .
5. And I really struggled to capture the myriad conflicts and overlaps of what is generally called "custody": [4]<http://hunterlawfirm.net/the-maze-of-wv-child-custody-issues-just-droppi ng-crumbs-wont-get-you-out/>
6. But, that's exactly my point. Differences in courts, and the assumptions under which the courts operate, make detailed mediation rules, and technical barriers to mediation, unworkable.
7. One exception is criminal court, as I cannot foresee a way for mediation to be an aid to plea bargaining. But, prosecutors and defense counsel would do well to master negotiation and communication techniques that mediators and counsel use in effectively resolving their cases.
8. So, also is a mental hygiene commitment hearing a good venue for mediation.
9. As for the impediments to passing a new law, last year I worked with several others, including lawyer Tom O'Neill and State Senator Charles Trump, in obtaining passage of "The Family Court Restraining Order Law", WV Code Sec. 51-5A-5a. These orders prohibiting bad behavior that falls short of being domestic violence are being entered dozens of times a week all over the state. We kept the statute simple, and it seems to be working. I believe that passage of a new mediation law will also benefit WV families and litigants!
10. Lawyers, Judges, Mediators, and Legislators need creativity and innovation to speed up our courts and expand justice to a greater number. Justice delayed, and justice that only a few can afford, are NOT justice.
11. Last week, I glanced over the "rules of mediation" in each court and decided that you would not want a detailed description of them. Suffice it to say I think the rules are too technical and picky.
12. And the "screening" provisions for family court do nothing but discourage mediation and foolishly try to predict which cases can be settled and which cannot.
13. The default expectation should be that parties go to mediation, unless, upon proper motion, a party convinces the court it will be dangerous or endanger their health. If there are security concerns, the courts should have discretion to deal with that.

14. I say that "the default" should be that parties to litigation should be expected to go to mediation and to participate in good faith.
15. When I say "all parties", I mean the parties to civil suits in circuit courts, in magistrate courts (subject to funding and the ability of parties to pay, as this is "small claims court"), family court, and to fiduciary and guardianship hearings.
16. And, to the extent there are non-party "players" such as grand-parents, interested persons, step-parents, etc, let them come mediate, but only if the parties agree. The more that "the players" can participate in negotiations, the better the chance the settlement will "take".
17. Persons subject to mediation should be given a brochure explaining mediation in some detail, including, for self-represented litigants, an explanation that they should come to mediation with an open mind, prepared to be flexible, and to put children first **when children are involved** . I stress "when children are involved", as my critic points out that suits arising from a rear end collision or medical malpractice do not involve the children. I think people are smart enough to figure out what "When children are involved." means.
18. They should be reminded that this is their chance to fashion a monetary settlement, settle a law suit, parenting plan, or property settlement agreement by themselves, without technical rules of evidence, or time constrained hearings. People can fashion settlements that no court can order which are tailored to their needs and want, while the court, acting on conflicting information, is unlikely to come up with anything better for them, their families, or their children.
19. **Here is an informal summary of my suggestions for the new mediation law or rule, which will be similar for all courts, magistrate, family, circuit, and business.**
20. Whereas, as the alternate dispute mechanism called mediation has evolved and matured in WV.
21. Whereas the rules for mediation are different, or non-existent, in various courts;
22. Whereas, it is important, for the full realization of the benefits of mediation, that mediation be considered for every case, (except criminal and mental hygiene involuntary commitment proceedings), and that referral to mediation should be the default option, with opting out being granted only for good cause shown.
23. The parties should confer early and determine if they can agree on a mediator and at least one alternate.
24. Represented parties should have their counsel present at this critical stage of the proceedings.
25. No mediator will be permitted to mediate in WV Courts if they object to the presence of a party's lawyer at mediation. They and the lawyers must learn to collaborate and cooperate. Civility is expected.
26. Lawyers admitted to practice in each court are expected to have obtained necessary training to meet the standards that have been established by the WV Supreme Court of Appeals.
27. Lawyers may opt in or out of the sliding fee scale of the WV Supreme Court of Appeals, but will be bound by the Supreme Court's fee Rules if they opt in. They will not be part of the referral rotation of the court if they have opted out of the sliding scale if the court, such as family court, utilizes it, but parties may still use such lawyers by mutual agreement.
28. Where public funds are not available, mediation is still the default unless the court permits "opting out" for financial hardship.
29. Parties will not be required to meet face to face unless both parties and the mediator concurs. Caucusing is encouraged, and participation by phone is permitted if agreed to by all parties and the mediator.

30. Represented parties who sign a mediated agreement or parenting plan will be bound to the terms of the plan under the law of contract.
31. Unrepresented parties will be expected to keep their word and be bound by their signed mediated agreement unless there is a serious mistake of material fact or law. It will be discretionary with the Court whether to impose the agreement signed by an unrepresented party or parties.
32. Non-parties such as family members, mediators in training, or interns **will not** be present at mediation without advance notice and agreement. The court may, upon proper motion, permit such a person to accompany the litigant.
33. The Court may include appropriate provisions to assure security, such as requiring mediation to be at the courthouse, or even to require parties to arrange for private security, or by ordering mediation via conference call or FaceTime or Skype, or their equivalent.
34. Commissioners, such as fiduciary or mental hygiene, will administer these mediation rules as the courts do, with the same discretionary powers, subject to the jurisdiction of the court under which they operate.
35. Parties are encouraged to utilize other alternative dispute mechanisms such as arbitration or "med-arb" so long as all parties agree and so long as the mechanism is stipulated to in writing.
36. The confidentiality of the mediation will be preserved, although mediators are obligated to inform the court if a party fails to appear, fails to pay timely, acts in a disruptive manner, or fails to mediate in good faith.
37. The person attending mediation must have "full settlement authority". When that person is an insurance adjuster, they will have the power to authorize settlement for the full demand or limits of coverage, unless stipulated otherwise by all parties and the mediator in writing.
38. Violations may be enforced by the full contempt powers of the court.

In summary, I believe that if these mediation rules are implemented the efficiency, effectiveness, and justice of our courts will be measurably improved.

1. <http://hunterlawfirm.net/mediation-collegiality-and-professionalism/>
2. <http://hunterlawfirm.net/a-foot-in-each-camp/>
3. <http://hunterlawfirm.net/children-guardians-ad-litem-the-law-and-society/>
4. <http://hunterlawfirm.net/the-maze-of-wv-child-custody-issues-just-dropping-crumbs-wont-get-you-out/>

It Is Six Months After My Rear End Collision: What Should I Do? (2016-05-03 21:06)

The question above is a good one, but a tad late. Let's discuss whether it is too late.

If you took a small sum and signed a release of your injury claim, that's it. It's over, regardless of whether you have continued symptoms or treatment.

If you have limited medical insurance, or did not know you had medical payments, "med pay" coverage, and therefore decided to "gut it out", and have received little treatment in spite of lots of pain, it will be difficult to get back on track and document your claim, but you may be able to.

If you have not kept a diary of events such as missed work, missed vacations, inability to engage family and friends, and inability to perform usual activities, you have work ahead reconstructing that information. It is much better to record that stuff as it happens. But, I stress that it may not be too late.

If you have not retained competent counsel, you must do so immediately. The title of this article assumes you have not hired counsel and that time is running out.

But, (you ask) "I thought I had up to two years?" Correct, but your tortfeasor may have moved away or died. Eyewitnesses may become unavailable. The accident scene can change. The police officer's memory can fade.

There are so many reasons to set aside your preconceptions and talk to an honest, experienced, professional, personal injury attorney.

While I expect to be hired once you realize that my goal is not to sue someone, that decision is your after we chat. I am used to keeping costs down, working on my relationship with adjustor, gathering information (the puzzle pieces) and a standard, orderly, manner, and submitting a detailed, well organized, comprehensive demand package.

As I write this article, today I settled a clear fault case, \$21,000 in medical damages, relatively minor scarring of a forehead, for \$80,000 cash and a waiver of the non-fault insurance carrier's "subrogation claim".

What does that mean?

1. It means instead of 1/3rd, my fee is just 1/5th of any sums received. That's \$12,500 instead of \$20,000, the "standard fee" of many lawyers in our area.
2. It can be 1/4th if we first argue over liability.
3. It may be 1/3rd if a suit has to be filed.
4. But, many cases can be resolved because fault is clear, and the insurance company ready to save legal fees and risk by paying a reasonable settlement.
5. It also means that the client gets to keep over \$60,000 of "cold cash", most of which is not taxable!
6. When you factor in litigation costs, risk, delay, and higher contingent fees, that \$80,000 settlement is as good as a verdict of \$150,000 two years from now. The client gets to keep just as much, and gets it sooner.

Why did I ask the question in the title? Because, if you have a valid claim, and still have not settled or hired competent counsel, you probably still have time, but it is rapidly running out. Call me soon, or perhaps regret it for life.

Of course, if you or yours becomes injured, you know I am here and that I believe you should call and become informed.

Either way, do not assume "common sense" is the solution. You simply do not know how to document your claim or negotiate settlement. You have no clue how to gather "lay witness letters" or how to use them.

The insurance adjustor knows that you are adversaries. He or she may be a good person, but they are overworked, and they get no incentive for paying more than the absolute minimum. Only if you demonstrate that you can go to court and get a robust verdict are you likely to settle for "full settlement value". If the carrier thinks you will eventually take whatever it offers, you will not get its best offer.

Here's hoping you have not and will not be injured, but that you give us a call if you are.

7.6 April

Why is it Ok for WV Lawyers to "Live it Up" at the Greenbrier? (2016-04-06 21:12)



Last year, at my first meeting of the board of governors of the West Virginia State Bar, I learned this year's meeting would be at the famous Greenbrier Resort. I knew that was a meeting I would not have to ask Nancy twice to attend.

As I heard of rising unemployment and a state budget shortfall, I wondered about the symbolism of "fat-cat lawyers living it up".

1.

Having finished our first overnights' stay at the Greenbrier, I can unequivocally say I think it was the right thing

to do, and here is why.

2.

On a personal note, I was thrilled to meet the two winners of our West Virginia Department of Education and State Bar video competition and to see them properly honored, and to view their videos with my colleagues.

3.

It is meetings such as this, and the meetings of the West Virginia Association for Justice, and the State continuing education seminars, that I truly appreciate being a member of a fine profession.

4.

There are some "fat-cats" at all of these meetings, but the majority are smaller firms, hard-working, dedicated, and struggling, professionals.

5.

On Monday I was privileged to attend a seminar session that resulted in a standing ovation. The title was "Transitioning Lawyers", and the subject was the challenges to lawyers with health, substance-abuse, and impairment, challenges. Our speaker was from North Carolina which has established an aggressive program for helping "lawyers in transition" including the normal transition from active practice to retirement, aging lawyers, impaired lawyers (alcohol, drugs, and mental deterioration). He shared his personal story that he is 18 months into a battle with stage four renal cancer.

6.

He asked for comments, and I stood and recommended a book, " Aging Well ", by George Vaillant, [2]

<http://tinyurl.com/jm5r37a>

. And, although I have no plans for retiring in the foreseeable future, I recommended to my colleagues' Fujitsu Scansnap scanners at every workstation and mentioned how my staff had scanned essential documents out of approximately 2000 files and sent to the commercial shredder 250 bankers boxes, and how we have not taken a paper file to the upstairs storage in seven years. These are the kind of ideas that I attend seminars to get, and to give.

7.

It is always good to reconnect with old friends and acquaintances and to meet new ones, because Networking is essential, especially for small and Sole Practitioner & Small Firm Section.

8.

Although the lawyers in West Virginia are struggling, and few of them find time, or have the inclination, to attend these professional meetings, these meetings are more important than ever. Perhaps our profession is not as much "at risk" as the check-out clerks at Wall-Mart and Kroger's, but the legal profession will change profoundly during the next 10 years, and the major professional organizations should be proactive in dealing with, and promoting, positive change.

9.

It is always popular to bash lawyers. In fact, The President, in this morning's press conference, bashed us for helping big corporations move corporate offices to other countries. No politician is going to lose votes by bashing lawyers. Yet the fact is lawyers exist at every point of conflict in our society and civilization. Criminal defense and prosecution, personal injury, corporate organization, taxation, environmental issues, consumer protection, constitutional issues, wildlife protection, everything, requires the analytical approach, and advocacy, of lawyers.

10.

By many standards, the members of this profession are more miserable than most, so public promotion of ourselves as reasonably prosperous and happy cannot hurt. As a friend said, "We work hard, and deserve an occasional break". I agree.

11.

Those of us on professional boards work pretty hard at these meetings, some of which last several hours, and, more importantly, between meetings. We volunteer for committees, agree to write amicus briefs to the WV Supreme Court, spread the word on important issues, and argue vigorously among ourselves.

12.

The legal profession receives criticism for being self-policing, and we will not always have this privilege. Many forces are attempting to provide legal services without the requirement of a law license. As a person who loves change, I am not afraid of this. I have written many articles on the subject of improving our ability to provide services at reasonable cost, and reducing the percentage of self-represented parties. So far, most of my advice has gone unheeded.

13.

We need to do more than try to fight off the forces of change, and to try to understand them, and integrate new efficiencies into the delivery of legal services. Such transitions are important and require deep thought.

14.

Professional meetings and seminars give us an opportunity to take a step back and assess ourselves and our practices. We like to pretend we are "bullet-proof", but we have to give thought to what will happen if we have that heart attack or cancer diagnosis. It is also important to participate so that, when colleagues falter,

we can be robust enough to lend a hand and do our part. In short, lawyers need to know how to make a profit and be relevant

15. Almost invariably, the attorney who never attends such meetings, and only rarely takes a CLE course, seems to be more isolated, less caring of colleagues, and less impactful, than those who reach out.

[3]



16.

Finally, on the subject of the Greenbrier as a venue, one session was presented by the Greenbrier's historian, after which we took the tour of "The Bunker", designed to be a fall-out shelter for the U.S. Legislature during

nuclear war .

17.

Our tour guide recommended five or six books on the subject of the building of the bunker and the Cold War. It occurred to me that "The Donald" should read every one of those books and should be made to attend the tour.

18.

While we kid ourselves to think that we are no longer vulnerable to extinction, the period of the Cold War was especially risky time in which two powerful nations had achieved "mutually assured destruction". We still have enough missiles aimed at one another to do the job.

Finally, we hear about the Greenbrier in the news, especially sports news, all the time. But, visiting it reveals that it is a remarkable place, a separate world, an island in the mountains. It is uniquely different from the rest of the State but still **of** the state, especially when busloads of wounded warriors and gospel singers show up.

At a time of great crisis, with rising poverty, drug addiction, suicides, problems with our educational system and a crisis in our political system, **it was nice to find something in West Virginia to be positive about.** I will not be voting for Jim Justice for governor, but he certainly has a nice little hotel.

1. <http://hunterlawfirm.net/wp-content/uploads/2016/04/NancyGreenbrier.jpg>

2. <http://tinyurl.com/jm5r37a>

3. http://hunterlawfirm.net/wp-content/uploads/2016/04/IMG_1194.jpg

7.7 March

Another Table of Contents? (2016-03-17 13:43)

[1]



The answer to the title above is "Yes!", but with a new and better twist.

From time to time, I have uploaded photos of my E-Book's table of contents, so readers can access it quickly and scroll through to find something that might interest them. But, not everyone wants to download a 1000 page PDF file without knowing its contents!

Dan Caryll, my programmer/webmaster, pointed out that all you need to do is use my blog's robust "search feature". I conceded that, and I hope you will search for any topic of interest, but I explained to Dan that I was taught in school the first way to approach a non-fiction book is to do a quick review (we used to call that "scan") of the table of contents.

So, Dan came through big time for me! You can access a complete table of contents, both the title and introductory paragraph, by clicking the following url:

[2]<http://hunterlawfirm.net/blog/table-of-contents/> . It will update automatically and , unlike its predecessors, stay current. Each item is "live" so you can go to an article that piques your interest from the Table of Contents.

My "book" is the chronological set of 300 article I have written during the last six years. Note that I touch on the same subjects many times, so you may want to try the most recent post on a subject and work backward. Often, I will include links to related article.

I write from a practical, not always scholarly, perspective. It is NOT legal advice, but I try to provide useful information on a wide range of issues. See you on the Internet!

jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2016/01/image-1.jpeg>

2. <http://hunterlawfirm.net/blog/table-of-contents/>

Urgent Note to Couples in their '60's Re: Social Security Benefits (2016-03-15 11:57)

[1]



You know how you hear those ads on Sirius or A.M. radio threatening some ominous change in our lives? They want us to buy a video or book, or get it free for a "handling charge".

Well I heard one today, and I think its legit. I wrote about this in April of 2015. [2]<http://hunterlawfirm.net/what-you-do-not-know-about-insurance-and-social-security-can-hurt-you/>

Apparently, this very important Social Security Retirement benefit, worth up to \$60,000, **is getting ready to go away!** It is called a "loophole", I called it a "tax increase".

If you are 65-70, this can be very important, especially if you are planning to hold off registering for your retirement benefits to 68 - 70.

What I learned, on NPR, and from a book that cost me \$20 on Amazon, is that even if you plan NOT to apply for benefits, when the older of you reaches 65, **apply and suspend your benefits.**

THIS WILL ALLOW YOUR YOUNGER SPOUSE TO APPLY FOR DEPENDENT SPOUSE BENEFITS ON THE DAY SHE/HE REACHES 65 WITH NO PENALTY!

Since I held off applying until age '70, THIS MEANT FIVE YEARS THAT MY WIFE CAN RECEIVE \$1200/MONTH WITH ABSOLUTELY NO PENALTY OR REDUCTION IN THE MONTHLY AMOUNT.

For us, we LOST about \$30,000 because we didn't know about this, and GOT around \$30,000 after she applied.

That is the benefit that is going away in the very near future. I hope a few of you are eligible for this and can get it before it disappears.

Good luck!

1. <http://hunterlawfirm.net/wp-content/uploads/2014/12/JBHPersonalFBProfilePage.jpg>

2. <http://hunterlawfirm.net/what-you-do-not-know-about-insurance-and-social-security-can-hurt-you/>

Video Competition: Magna Carta: Its Significance In Its 800th Anniversary Year (2016-03-14 15:29)

Here are the top four finishers in our WV Dept. of Education and WV State Bar Video Competition: "Magna Carta, It's Significance in in its 800th Anniversary Year". [1]<https://www.youtube.com/user/wveducation>

1. <https://www.youtube.com/user/wveducation>

How Much is Being Filmed Naked Worth? And Why? (2016-03-09 13:47)

Today's big legal news is Erin Andrews' damages award of \$55,000,000.00 against her stalker, and against the Marriott Company.

How much is being recorded naked worth? The jury answered that question, and split the award almost 50 %/50 % between the intentional wrongdoer and the negligent wrongdoer.

Why?

1. The facts were egregious. A thoroughly despicable but nearly indigent stalker, and a very large, negligent, "deep pocket" company.

2. The jury decided that hitting Marriott with \$25,000,000.00 would get its attention and properly reimburse Ms. Andrews.

3. The jury believed her that she was emotionally devastated by this. I trust the third party witnesses, such as her father, were credible and compelling.

4. The argument that her children and grandchildren will never be able to Google Erin Andrews without finding this story and those images was apparently compelling.

So, what do we say to those who worry about runaway jury awards?

I suggest we consider this: except for companies driven by someone like Don Blankenship, anxious to keep his \$80,000,000.00 annual salary, the people who run these companies are not necessarily evil, but they are still going to be driven by the profit motive. There must be disincentives to ignoring the safety of the public.

Landmark cases save lives, property, and money. Here are some examples:

1. McDonalds keeping its coffee at a near boiling point in spite of 500 reported serious burns a year. That ended up costing McDonalds perhaps one day's profits from its coffee sales; that's all. See "punitive damages" below.

2. Manufacturers of three wheelers who knew their product was unstable and deadly and were eventually forced to stop making them.

3. Volkswagen and Chevrolet with the swing axel Beetle and Corvair that were virtual death traps. Try finding a swing axel in any car company's line-up these days.

4. Honda three wheelers being built without the \$55.00 guard that prevented the spinning back wheel from deboning the operator's leg from the knee down, and after one big verdict, offering it as an extra cost option! It took another big verdict before Honda would make that guard standard.

5. Government officials switching to lower cost, poisonous, high lead, water, in Flint Michigan.

6. Tobacco Companies who hid the deadly statistics about their products for decades.

The common denominator to these cases are large entities, essentially immune, except when a jury of the injured persons' peers can hear the evidence and mete out justice.

And, as in the famous WV Case, TXO, there are times when the wrong is so intentional, or close to being intentional, that damages can be assessed for the purpose of punishment. TXO knowingly tried to keep a WV landowner from claiming a clear record title to the oil and gas under their property. Damages were \$19,000 in attorney fees, but my friend David Brumfield convinced the jury to award 500 times that number, or \$10,000,000.00, in "punitive damages" against this two billions dollar company in order to discourage it and other companies from trying to ruin "the little guy". Punitive means just that, punishment vs. damages that are "compensatory". The damages include medical bills, property damages, lost wages, pain and suffering, and permanent impairment.

So, maybe you would accept \$25,000,000.00 to be filmed in the buff, but Eren did not consent, and I suspect that the privacy of all of us will be greater, now that she sought, and got, a substantial award against the entities who allowed her privacy to be shattered. That's our system of civil justice, and in many ways, it's a darn good one, especially that right to a jury trial. Why do you think big companies slip mandatory arbitration into its credit card and consumer contracts? They do not want to have to pay you for their wrongdoing.

Reflections on a BIG Birthday: March 7, 2016 (2016-03-09 13:19)



This is a solemn day but not a sad one.

Today we said goodbye to my wonderful Stepmother, Maggie Dean, widow of "Fireball", and of my Dad, John B. Hunter II.

Her minister of over 30 years hit the nail on the head in stating he never remembered her speaking ill of any person and never heard anyone speak ill of her.

She was nurturing, loving, and caring. When she reached retirement age, she decided she wasn't done, and

began caring for other persons' babies and stayed with them until they became young adults and teen-agers.

After my parents, John and Betty Lee (O'Grady) Hunter, divorced, over twenty years ago, they reconciled and were very close again in my Mother's last years. It is a special memory when I served on the Board of First WV Bank, to have a meal with them each month at Figaretti's. They had many differences, but I got to watch them be in love for as long as I knew them.

And Maggie and Fireball were "True Loves". It is obvious to me that Maggie was utterly devoted to her first husband and her children and grandchildren, and great grandchildren, and church...(you get the point!)

My Mother was as devoted to her children as any woman could be. When I did well at something, she worked to make sure I didn't get a swelled head, and when I "stumped my toe", she was always there to support and encourage me. She died of smoking related illnesses in 1999. After that, my Dad soldiered on.

But, then came that day when he got a call, from Maggie, advising she was not that far away and ready for that lunch he had suggested a couple weeks before. They seemed to move from "old friends" to inseparable in a short time. We liked her the instant we met her and loved the connection that her daughter Lexie and I had attended 4-H Camp together, and that my best friend Dick had come home from the first grade to announce he was in love with her oldest daughter Sharon.

Dick learned a good lesson, when his family made fun of him and named one of their Jersey heifers "Sharon"! Dick said, "That's the last time I told them anything!"

My Dad had the nastiest landlady every. When she gave him a short notice that she was putting up his rented home up for sale, Dad prepared himself to move to the VA facility in the Eastern Panhandle. Maggie said, "Oh no you don't. You are moving in with Bev and me." Bev was my stepsister Beverly Dean, who treated my Dad like her Dad. It broke Maggie's heart when she died in July.

Maggie was a bit nervous to tell her five children that Dad was moving in, but they instantly reassured her that such decisions were solely hers, and that they would support her. With "all hand on board", we moved Dad's stuff into storage, and he moved in to Maggie's home on "Dog Hollow Road".

They married 2-3 years later, just a month before my Father passed away. She gave him great happiness in what could have been lonely, miserable, years.

Segue

And.....today is my 70th birthday! I have been dreading it. I am high energy. I need 7-8 hours' sleep, but, with that, I can honestly say I am a dynamo. I work 55-60 hours a week. I have written nearly 900 pages and 300 blog articles in the last five years.

This year I chaired the WV State Bar and WV Board of Education Video Competition for H.S. and Middle School Students, Magna Carta, Its Significance in its 800 Anniversary Year, have been invited to present at three seminars, and have served as a member of the board of governors of the WV Association for Justice (WVAJ) and WV State Bar.

I do NOT want to slow down. I want to stay active in my profession while reading and learning history, philosophy, science, fiction, biographies, and politics. I want so much to figure out my best view of our place in this universe, and the most likely course mankind will take.

I want to stay alert and active so I can watch my children making their way in the world. I am so proud of them. I want to watch my grandchildren grow and learn. It breaks my heart that Bob Goodfellow, Betty Lee Hunter, and John B Hunter II never got to know their Grandchildren. My Dad was so thrilled with "Annie"; Anna Elizabeth Hunter. At his funeral, at the exact spot I stood yesterday and today, I saw Anna's first steps. Not the very first, as I didn't get there in time, but that's where hit happened!

That's why I detest smoking and tobacco. God willing, we will take care of ourselves and have 2-3 wonderful decades.

If I weren't honoring Maggie today, with loving family, and giving me her wonderful, courageous, example, I fear that I would have been a self-absorbed grouch. I had planned to post this link to Dylan Thomas' famous poem: Rage Against the Dying of the Light:

https://www.youtube.com/watch?v=FKp_fjn6d9U

Instead, I am counting my blessings, planning on at least 10 productive working years, more writing, lots of work here on our 10 acres, travel with my bride of 47 years, and loving and appreciating every minute I have on this earth.

I was supposed to weave into this two really excellent NPR TED Radio Hour shows, a couple of books, some tips to my fellow lawyers, and a couple nice jokes, but I am out of time.

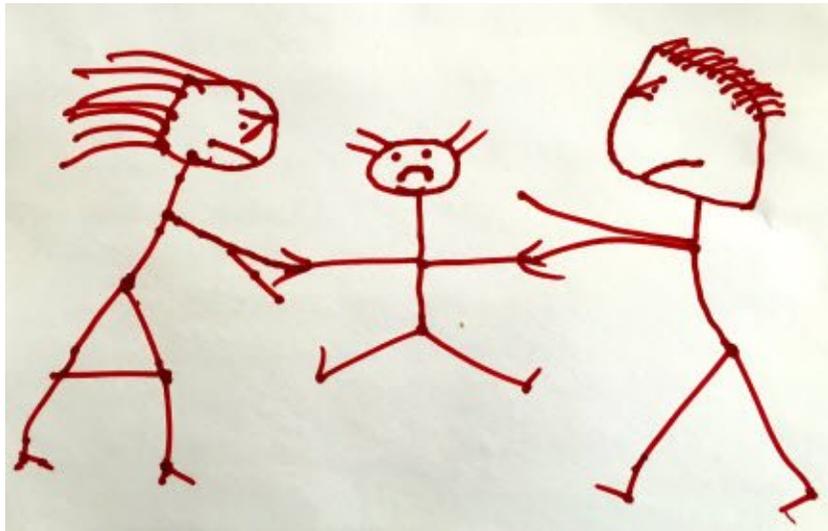
Instead, I wish for each of you to have good health, to keep your family ties strong, to maintain friendships over the years, to stay engaged and active, to forgive freely, to think and not just accept, and to jump happily into the last third of your life, if you are blessed to make it whole to the age of 70.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/BurtBest.jpg>

7.8 February

The Maze of WV Child Custody Issues - Just Dropping Crumbs Won't Get You Out (2016-02-14 21:53)

[1]



This article needs a major rewrite. But these comments in red will have to do for now.

I have posted a few articles discussing the recent quiet Revolution in custody in WV.

Here is just the tip of the iceberg. The law in initial custody determinations has changed. The requirement of a "caretaking functions" percentage determination is over.

I am talking about divorce and proceedings that used to be called "paternity suits" and are now petitions for determination and allocation of parental rights, oi "initial custody determinations".

With the opioid crises and the meltdown of America in its social media crisis, the legislatures and courts have been slow to adapt and overworked and even overwhelmed.

Fit divorcing parents and even unmarried supposedly fit parents are facing a likely default to a "co-equal" or 50 %-50 %, parenting arrangement. I will live in the legal world I am given, but this development has huge ramifications, as does the increase in drug dependent parents.

Although the law in cases where one parent wants to relocate with the child/children to another state or too far away for the other parent to keep the same parenting role has not changed, but the way our WV Supreme Court interprets the facts has.

In a March, 2019 case, our Sup. Ct. elevated "the best interests of the child" and the actual services and time a parent spends with a child, over a simple counting of "overnights": thus, "substantial majority of parenting" may not mean the person who has 70 % of the court-ordered "overnights", as it did in the past

I have detected a troubling trend in some judges and lawyers, especially Legal Aid lawyers, to

minimize the Court's requirement for "an alternate dispute resolution mechanism", i.e., mediation.

One judge told me that mediation is "only an option; not a requirement", even when the final court order says "shall".

And some well-intentioned lawyers told me that requiring mediation "..deprives a party of access to the courts." ! Which, of course, it does not.

Finally; a friend and colleague recently left the practice of family law, although she still does family law mediation.

She said, "I haven't missed it for an instant. It had got to the point where there was hardly a family law lawyer I could trust or work with."

My percentage is a bit higher, perhaps 50 % of the time, but the other 50 % really should pick another line of work. Taking on the worst traits of your client is not good lawyering! It is pandering.

The trend of our national politics to view truth only as an option when it is helpful has begun to permeate family law.

Stay tuned. I hope to flesh-out these thoughts.

Just be aware that custody in WV is rapidly evolving. (Editor; jbh)

This isn't going to be an easy read, but if you were going to try to get through the Amazon jungle, naked, wouldn't you at least like to talk to a guide first?

First: some history:

1. Fast forward from the time where men controlled the lives of their wives and children. Think Job who the Old Testament Lord asked to sacrifice his son, Henry the VIII who imprisoned and beheaded his wife, and banished another, or fundamentalist Islam, the lack of rights of women, and its revenge killings of own family members.
2. When I arrived to the practice of law, there was a presumption that children should stay with their mother, visit with Dad every other week-end or so, and receive child support. That idea came from Victorian England and the idealization of women and mothers.
3. Then our Supreme Court, followed by our legislature, came up with the "primary caretaker" rule, to the effect that the person who provided "the majority of caretaking" during the marriage "won custody". She got "full custody", and the "loser", called the "absent parent", got something called "visitation" and paid "child

9. Unfit because of drug abuse or alcohol addiction;
10. Homeless, or mentally impaired; or
11. A respondent in a juvenile abuse and neglect proceeding in circuit court.

Got that? Great! There are many more combinations, but these give you an idea.

Let me try to confuse you a bit more.

1. Magistrate court issues temporary domestic violence protective orders that then go to family court.
2. And they are able to start a juvenile case which is then heard by the circuit court. More on juvenile abuse and neglect later.
3. Family court "shares jurisdiction" with circuit courts, and circuit courts are the appellate court for the family courts. Got it?
4. Family court, among other things, hears the domestic violence cases that start in magistrate court. These are "restraining order" cases that activate The Federal Gun Control Act and last from 90 to 365 days. During that period, the respondent may not possess a firearm. These cases are not criminal cases, but violations of DV orders CAN result in incarceration and criminal charges. And they carry a big stigma. Think "wife beater".
5. Misdemeanor charges of assault or battery are criminal, and heard by magistrate court, and more serious cases, malicious wounding, attempted murder, etc. are criminal cases, heard by the circuit cases, and are not dealt with in this article.
6. Family courts also hear what used to be called "paternity cases". Because everybody knew what a paternity case was, the wise "powers that be" decided to change the name to "petitions for allocations of parental rights". Write that down. Thanks to dna testing, the salacious factual disputes have been eliminated. What a pain it was dealing with who did what, with whom, and how often?
7. These cases can be instituted by the mother or putative father. I know one where the mother filed "an allocation petition" against one man, and her other boyfriend filed an allocation petition against her and the respondent in the other case. She kept telling each, "You're the guy!"
8. Family courts hear almost all divorces, including parenting issues, equitable distribution of assets and debts, children's issues, non-domestic violence restraining orders, alimony, and attorney's fees. When parties negotiate successfully, family court approves parenting plan agreements and property settlement agreements.

I discuss "non-domestic violence" restraining orders in previous blog articles. One is "Senate Bill 430: The Bill No One Heard of", [2]<http://wp.me/p4utce-tH> . The other is "WV Families Dodge a Metaphorical Bullet", [3]<http://wp.me/p4utce-v7>

These orders are governed by a statute that I helped to write and work through the legislature, **WV Code 51-2A-2a**. Our WV Supreme Court took this power from family courts in a case styled " Miller v. Riffle " which I believe would have led directly to many injuries and deaths, so I am proud to have helped restore it in the nick of time.

There is a critter called a "guardianship action." These involve children and are distinct from petitions for guardianship/conservatorship of incompetent or disabled adults. Infant guardianship petitions are filed in the office of the clerk of the circuit court. Contested guardianships are usually heard by circuit courts even though they "share jurisdiction" with family courts. Some circuit courts remand the cases to be heard by the family court judge.

9. Phew! Break time!

10. Circuit courts now have a huge workload of juvenile abuse and neglect cases. These cases are instituted by Child Protective Services Division of the WV Dept. of Health and Human Resources, WVD-HHR/CPS, via the county prosecuting attorney.

11. Abuse and neglect cases are a world of their own. I visit there only when my family cases "spill over". My current such case is approaching two years' old. It involves a dreaded creature called "the MDT"! Also known as "the multidisciplinary team."

12. When one of the parents is fit, that parent can be a co-petitioner with the State. My experience is that fathers are second hand citizens in these courts, often because fathers are uninvolved parents, but also because of pre-conceptions of the people who populate this system.

Huge factors in all of these cases are:

Drugs;

Alcohol;

Drugs;

Domestic violence;

Drugs;

Poverty

Drugs

Mental Health issues, and;

did I mention drugs?

My personal observation is that in family court the presumption is a parent is fit, and in "abuse and neglect", circuit court, the assumption is the offending parent is not. And woe be it if you piss off or become adverse to the CPS worker, the prosecutor, the court appointed lawyer for the child (guardian ad litem) or, woe of woes, all of the above! Do everything, and I mean everything you can do, to ingratiate yourself with these people if you want a good result.

Adoptions can be consensual, where biological parent(s) sign(s) a relinquishment of parental rights. But don't think you can relinquish rights and avoid child support. One cannot relinquish until there is another parent lined up to assume those responsibilities.

"Grandparents issues" can be a simple petition for grandparent visitation, or a full blown guardianship (custody) petition including the claim the grandparent is a "psychological parent".

In most cases, fit parents are "the deciders" relative to grandparents rights. The statute is WV Code Sec. 48-10-101. Major issues happen when the child of the grandparent dies or becomes impaired or incarcerated, and the custodial parent feels threatened or controlled by his/her parents.

The "psychological parent" case, In Re: Clifford K , defined the parameters of actions brought by people who claim to stand in the shoes of a parent. Such people are not allowed simply to file a action. They must move to intervene in existing actions. I have a combination of allegations that I include in such cases, which an opponent recently labeled "a mishmash" of allegations.

I do whatever I can, within the law, to give the court to facts upon which to hang a decision based on the welfare of the child, which is supposed to be the "polar star" that guides the court.

I have written an article, "Digging Down: On Organizing the Facts in Your Case", [4]<http://wp.me/p4utce-mr> which describes my system for helping clients to organize the facts in their cases in order to provide me a "complete history" of relevant facts. It is a "nuts and bolts" description which I believe empowers my client to assume considerable responsibility in order to keep attorney fees within reasonable bounds.

The resources of all of these courts are finite, so presentation of the evidence must be targeted, and concise, and effective. At the early stages, "proffers" of anticipated evidence summarize effectively in just a few minutes. Presenting good proffers takes practice and experience.

Most cases are not "saved" by closing argument, as the court pretty much has it figured out by then.

A good lawyer is pragmatic and realistic. He or she must be passionate but not overly-zealous. The lawyer who helps you lie and cheat, is, well, a liar and cheater and will do the same to you.

The best lawyers care more for your children even than for you. And they "work, work, work" to help the client improve as a person and overcome personal weaknesses. One of the better compliments a court appointed "guardian ad litem", lawyer for the child, gave me is "You give your client every opportunity to succeed." I hope that is true and try to make sure it is.

When I see the client is going to lose, I do everything I can to limit the damage. It is stressful and emotional.

I cannot conclude without urging to have the right lawyer for the job and not to think you can handle a case of any import on your own based on your own standards of right and wrong and common sense. Do that, and even a good case can "go down the tubes". I hope these words have given you insights into the subject that most people know as "child custody".

1. <http://hunterlawfirm.net/wp-content/uploads/2016/02/CustodyFight2016.jpg>

2. <http://wp.me/p4utce-tH>

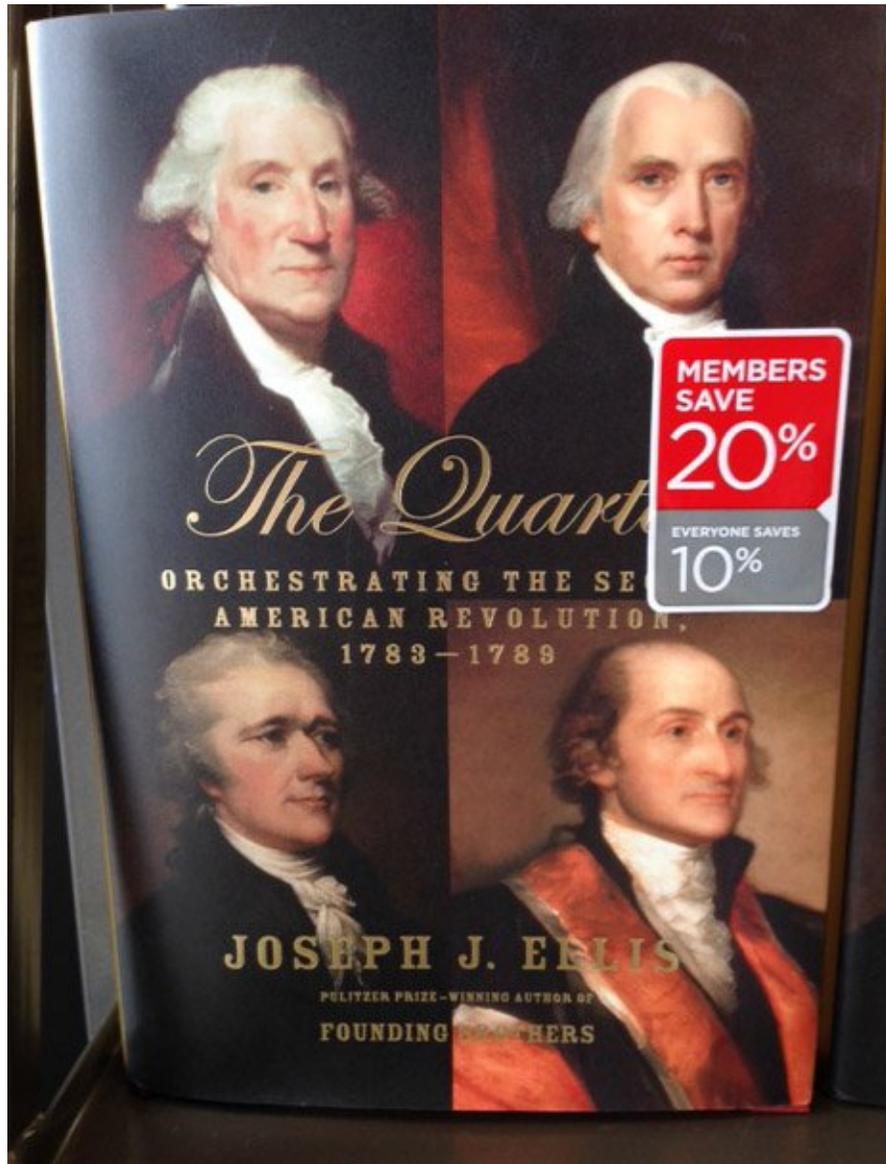
3. <http://wp.me/p4utce-v7>

4. <http://wp.me/p4utce-mr>

7.9 January

Is it Fair to Criticize Islam: Or is That Always Bigotry? (2016-01-31 03:00)

[1]



Commentary by Scott Simon on NPR's "All Things Considered" crystalized my thinking on the issue of alleged discrimination against Moslems. Scott is the same fellow who interviewed my friend David Powell on the phenomenon of WV Irish Road Bowling several years ago.

He explained that Italy and Iran are engaged in negotiations for billions of dollars in business deals. The President of Iran travelled to Rome to meet with Italian government and business leaders, so, "as a show

of respect” the classical Roman and Hellenistic nude statues of Rome, along the President’s route of travel, were “boxed up”, much like women in Iran are required to cover up.

The consensus of Italians was that this “show of respect” for the President was a slap in the face to Italians and their history and culture, and downright silly.

Scott pointed out that when people travel, sometimes they like to “take a peek” at novel and different things. I might add that if the President and his people are unable to modernize, Iran and other Moslem countries will never be able to compete in the modern global competitive economy. And, remember, even our friends like Saudi Arabia are repressive to women, gays, etc.

Jeb Bush showed some guts by arguing that we cannot paint all Moslems with the same brush, bar them from America, or alienate the law-abiding “moderate Moslems”.

I agree. I have never seen my tolerant, moderate, wife be more turned off and disgusted by a candidate than she is by Donald Trump and the polarized Republican field of candidates, and their closed-mindedness.

BUT, that does not mean that we can simply treat the potential floods of Moslem refugees into Europe or America the same as Irish or Hispanic or Asian peoples. Our culture is steeped in tolerance and equality, and outliers are shunned and criticized. We may or may not have a private right to bear arms, but at the very core of America is the dignity and freedom of the individual.

Bush said the key is whether they are willing to take an oath of citizenship, adopt our values, and become loyal immigrants or citizens. And there’s the rub. It’s not just Moslem vs. Christian. It is modernity vs. tribal or mediaeval culture.

It isn’t just, “Will they take an oath? If the “average Moslem” believes in different standards for men and women, believes women can be required to be covered from head to foot, believes homosexuals can have their limbs cut off, the little girls’ genitalia can be mutilated (African) and limit women’s ability to drive, work, or even appear in public, America cannot afford to have a large segment of its citizenry with that belief system. I remain puzzled by the relative silence of the women’s right movement. Has it faded, or are they too “politically correct”?

Part of this is simply the conflict between the secular/scientific mode of thinking and the religious/supernatural mythic mode of thinking. I criticize my friend’s Scientology for its pseudo-science, a warped form of psychology called “the clear”, Mormons’ discrimination against women, Catholicism’s exclusion of women from the priesthood, and Episcopal and Methodist resistance to openly gay priests and ministers. So, also, I believe it is wrong to teach in church and Sunday school that myth and metaphor and as my friend Lawrence Kammer says, “stories”, are the literal truth.

Baruch Spinoza, and Epicurus and Lucretius 1500-2000 years earlier, figured out that ancient scriptures were explanations written by uneducated, insightful, but essentially ignorant “prophets”. In fact, Spinoza believed most of it was collated and summarized hundreds of years after the fact by a prophet named Ezra.

Science has since debunked every “miracle”; no wine to water, no rising from the dead, no multiplication of fishes, no ark, no “two by two”, and no casting of demons from a mad woman into a herd of swine who then jumped of the cliff. No Jonah; no flying to heaven, and no heaven. We are crippled, or at least hobbled, while such silliness exists.

And, the essential teachings of Jesus, Buddha (Siddhartha Gautama), Confucius, and other profound

religious and ethical teachers and do not need to be bolstered by the supernatural. Those trappings were not added to Buddhism during his lifetime, but only hundreds of years later as an inevitable result of “prophets” who invent these “stories” to make their guy look really, really, special.

So, the people of Italy need to demand their art treasures are unboxed. The President can avert his eyes, but maybe just one little Peek?

1. <http://hunterlawfirm.net/wp-content/uploads/2015/06/Books2.jpg>

An Article to Bookmark: Until Your World Comes Crashing Down (2016-01-22 22:20)

[1]



Have you ever been struck from the side by a New York City garbage truck going 45 mph? I have. I was the right front seat passenger, and the truck came from the right as our driver failed to see the red light on the corner. Being from WV, we always expected the light to be overhead.

Strangely, as I was in the eye of the tornado, my glasses came off and landed in the foot well, and one tooth was loosened, but I was otherwise unscathed. My friends in the back weren't so lucky, but we all survived.

But, I learned what the horrendous impact of a serious crash felt and sounded like. Words can't describe it, but I'll never forget it, and it happened 50 years ago.

Your crash may be like mine, or you may break a leg, lose an eye, severe a limb, break a back, or suffer a brain injury, leaving you looking just fine but knowing you just are not the same and perhaps never will be.

Please refer to two of my blog articles for information on insurances and how to protect yourself from ruin. [2]<http://hunterlawfirm.net/various-insurance-coverages/>; and [3]<http://hunterlawfirm.net/buy-a-1000000-umbrella/>

So, it was a bad one and now you do not know what to do. You or your spouse is in the hospital. If he is a worker, his paycheck may stop. If a small business person, who will make or sell your product, or pay your employee?

Who do you call first? Will your own insurance carrier protect you. What if the other side's insurance adjustor won't call you back? What if the other guy had no or inadequate insurance?! What if he's throwing the blame back at you. What if he did not get cited? What if you did!

Oh, my! That's just a fraction of the questions you will have. So, you have heard of me, that I am hands on and nearby, or maybe your will remember this book-marked article and you call me, 304 472-7477.

Here's what happens:

1. Faye, Letetia, or Nancy has a short checklist to get your basic information, what happened, where, and what is worrying you. Occasionally they are permitted to mention a range of fees or to make an appointment, or they just put me on the phone.
2. Or, they send me an e-mail before moving to the next thing, and I try to get back to you within an hour.
3. Serious personal injury matters cause an alarm to ring. There is usually a component of urgency, and my paralegal of 15 years will usually come on the phone to get more details.
4. When you and I talk for the first time, I have lots of narrowly focused questions. In 5-15 minutes, I know if I am interested, and I hope I can help, so I begin to answer your questions.
5. You do not have to scrape up the money for a retainer, because personal injuries are handled on a contingency fee. When the lawyer is skilled at selecting the right cases, he is probably going to make more per hour than he can with a guaranteed hourly fee, so you have his interest. It is no wonder that lawyers are competing on t.v. for your business. These are desirable cases.
6. If you are in the hospital or laid up at home, we will come to see you!
7. The keys we look for in deciding if we can do you some good are:
8. Serious injury:
9. An insured or solvent "tortfeasor". That means they have liability insurance, you have uninsured or underinsured insurance coverage, or it is a large entity such as Fed Ex or Wal Mart.
10. A strong probability of fault by the other guy.
11. When we meet, I will get more details:
12. What did the other guy do wrong?

13. If you did something wrong, was your fault as bad or worse than the other guy?
14. Do you have a medical insurance plan or auto coverage called "medical payments" or "family coverage". We call it "Med Pay". It pays for your bills, regardless of fault, up to its limit, usually \$1000- \$25,000. Med pay is your first line of defense. Use it first!
15. Where did this happen?
16. When did it happen?
17. Who investigated it?
18. Did the officer assess fault? He can't assess liability, but his opinion matters.
19. Personal Data:

Spouse?

Children?

Job?

Able to work?

Immediate concerns, questions?

Insurance coverages? Med Pay, Uninsured or Underinsured coverage, group medical plan from work, personal resources, and whether you have "Umbrella Coverage.

It is very important for us to help allay your fears, to try to cancel your erroneous preconceptions, to answer your questions, and to deal with immediate concerns.

The adjustor often tries to dictate your auto rental company and to apply an arbitrary rule such as one week of rental. Truth is the tortfeasor is responsible for all reasonable damages incurred as a result of their insured's mistake. Your lawyer can help make that clear to the adjustor.

If we hit it off, and you decide to entrust your claim(s), yours, your spouse's, and your children, to us, we are off and running:

1. We have you sign a contingent fee agreement, 20 % for clear fault settled out of court, 25 % if liability is contested but still settled out of court, 1/3 (33 1/3 %) if suit filed, and occasionally 40 % (but these are usually the medical negligence or industrial accident cases).
2. We order a police collision report.
3. We order your medical records and bills.
4. If there is any serious question of fault, we visit the scene with you and photograph it. Mr. Hunter is an amateur photographer and has been taking many of his own photos for 40 years. He knows just what he wants to highlight, to show the court or the jury.

5. He writes to the adjustor, setting out his working theory of the case and asking for written confirmation of his representation.
6. His paralegal sets up a schedule, to suspense the ordered documents, to follow up with the client, and to keep the adjustor informed.
7. And, this is important. Since the adjustor has to establish and maintain a "reserve fund" for each case, we send him each wave of new bills and records and send him a short narrative of the challenges and progress of our client. That way the reserve can be nudged up gently, perhaps 20 times. This critical, as an adjustor who set and insufficient reserve is going to have a lot of explaining to do, so better to get the reserve up in increments.
8. When we see the symptoms have persisted and the client is suffering, we send out a request for "lay witness letters". These are letters from people, usually, who are close to our client, spouse, children, and siblings or parents, and close friends and co-workers. It helps if they knew the client before the collision.
9. These "lay witnesses" can observe the claimant when she or he isn't aware they are. Often the letters are poignant and compelling.
10. When the adjustor learns we can provide 10-15 witnesses to our client's suffering, struggles, and stoicism, I think it motivates him to settle without requiring us to sue.
11. Sometimes we encourage the client to ask their doctor about referral to a specialist. With something subtle, like a closed head injury, I consult colleagues who work with lots of such cases.
12. If the claim is large enough to challenge the resources of our office, I have the luxury of calling any of several of the best firms in the state to associate. The shared fee is often no more than the original agreed fee, and if it is larger, we had better have a reason.
13. If we have trouble reaching a negotiated agreement, I will sometimes suggest pre-litigation mediation to the adjustor. That give the adjustor some cover while keeping costs down. I have received over \$1 million in such pre-litigation settlement meetings.
14. If we have no choice, we file suit. That results in more expense, and the client is not expected to pay those expenses unless we recover.
15. The trial process is a subject for another day.

Above all, the client must be kept informed and be involved. This is not a problem where you can hire me and have me call you two years later to give you your check. One client advised that she and her postman had to say goodbye and hug after we settled her father's case, because they knew they wouldn't be delivering and receiving mail every few days from Burt Hunter.

When the time for recovery has come, we attend to the subrogation claims and unpaid expenses, we look at the possibility of a "structured settlement". When it is an infant's settlement, we consider a structured settlement, or something called a special needs trust which can help a recipient of avoid losing eligibility for means tested benefits.

Where a financial advisor is needed, we are happy to make a referral.

It is always are relief when these difficult matters conclude, but they are not; I repeat, are not, matters you can do by yourself.

So, stick the URL of this article into your "bookmarks", hope you and yours never need it, but use or share it if you do. Be well.

1. <http://hunterlawfirm.net/wp-content/uploads/2011/12/carcrash.jpg>
2. <http://hunterlawfirm.net/various-insurance-coverages/>
3. <http://hunterlawfirm.net/buy-a-1000000-umbrella/>

Hire the Lawyer Who Hates Insurance Adjustors? (2016-01-12 17:55)

We all seen the ads. Greedy insurance adjusters flying paper airplanes and throwing at a dart board to determine your claim.

And, we've heard the lawyers who guarantee adjusters are shaking in their boots when they hear the name of your new lawyer.

Here's the truth:

1. adjusters come to work each day the same as you do. Many of them hope to do some good in the world. Changes in the law (conservative changes) make it harder for them to settle out of court for a decent figure.
2. They appreciate your help and your lawyer's when they properly document and present the claim.
3. When fault is clear and the injury significant, they look for a way to minimize risk and cost, and they like to get cases off of their desk.

A few lawyers will file suit to keep that contingency fee at 1/3 or because they haven't polished the tools to avoid suit or trial. Many don't even use pre-litigation mediation.

I am not made of money, and I like to save the \$10,000- \$30,000 in litigation costs when possible, as that money is just coming out of YOUR settlement.

When a case is BIG, I know who to associate with, the lawyer who has made a reputation in industrial accident or medical malpractice, or insurance bad faith. That's who I share my cases with, the "big boys" who have earned their reputations with their peers.

I write about such matters. Here are some of my writings on personal injury and insurance.

jbh

My personal injury posts are generally designed to dispel misconceptions and educate the potential client

1. [1]<http://hunterlawfirm.net/personal-injury-client-misperceptions/>
2. [2]<http://hunterlawfirm.net/dear-personal-injury-client-points-to-remember/>
3. [3]<http://hunterlawfirm.net/not-the-normal-personal-injury-blah-blah/>
4. [4]<http://hunterlawfirm.net/the-chinese-curse-may-you-have-a-mild-closed-head-injury-and-what-if-it-happens-to-you/>
5. [5]<http://hunterlawfirm.net/various-insurance-coverages/>
6. [6]<http://6.http://hunterlawfirm.net/what-sue-my-employer-deliberate-intent/>

1. <http://hunterlawfirm.net/personal-injury-client-misperceptions/>
2. <http://2.http://hunterlawfirm.net/dear-personal-injury-client-points-to-remember/>
3. <http://hunterlawfirm.net/not-the-normal-personal-injury-blah-blah/>
4. <http://hunterlawfirm.net/the-chinese-curse-may-you-have-a-mild-closed-head-injury-and-what-if-it-happens-to-you/>
5. <http://5.http://hunterlawfirm.net/various-insurance-coverages/>
6. <http://6.http://hunterlawfirm.net/what-sue-my-employer-deliberate-intent/>

A Turning Point in American Gun Violence? (2016-01-05 20:05)

[1]



Sandy Hook Diner - Sandy Hook, Newtown, Ct.

I visited here right after Christmas, my third time since the tragic shooting at the school which is just out of sight behind, and to the left, of this photo. Twenty six fatalities, including 20 children.

My young companions did not recognize the place names, and we had a wonderful "pig out breakfast" at the Sandy Hook Diner. I wrote this after my first visit. [2]Newtown, Ct.: I Wonder What's Gone Wrong?

They didn't know of my quiet prayer that this town, and my breakfast companions, never again have to face the violence and cruelty that visited here just over three years ago.

Today, January 5, 2016, I was privileged to listen to the entirety of President Obama's speech declaring his actions to start the work that virtually all Republican legislators and a few democrats have refused to address. These tiny steps are supported, in principle, by most of the people in America, but even these were demonized by Paul Ryan and Mike Huckabee before I made it up my driveway. It was one of the best speeches I ever heard. And it is a day of disgrace for the Republican Party. I've never been happier to have declared my "independence" from my former party.

The militants standing in the way of gun violence reform, especially cowards in congress who vote against it because of fear of losing an election, not principle, already have, and will have, blood on their hands.

My many prayers after the Sandy Hook shooting by this "militant moderate", gun owning, second amendment supporter was that the leaders of one of our parties would move forward with significant, rational, changes. Now one has, and I commend the President and his supporters for commencing the journey.

I wiped tears from my eyes several times during this morning's drive, as the President did, speaking the words in front of so many victims of gun violence. A few cogent points:

1. Over 30,000 Americans die of gun violence each year, 2/3 by suicide. That's an important fact since WV is the leader in this statistic.
2. In my law practice I have seen @ a dozen deaths, suicides, and homicides, most by gun.
3. Licensing of gun dealers, universal background checks, even at gun shows and on the Internet, improvement of the national database including indicators from mental health sources, and increased funding for mental health treatment, are not first steps to "take away our guns". The panderer Donald Trump cannot make it so. They are baby steps in a revolution that must end with America being a safe country and at least equivalent to other developed countries.

4. Each Republican candidate who promises to reverse Obama's executive decisions has my promise never to vote for him. Shame on each of you.
5. I agree with the President, a constitutional scholar. The right to own a gun is no different than the right to drive a car. Such rights must be balanced with the rights of others, to assemble peacefully (in schools, malls, and churches), to freedom of speech, to freedom of religion (Christians, Jews, and Moslems have been targeted.), and to have life, liberty, and the pursuit of happiness! Sounds pretty American to me!
6. I urge my readers to put aside your partisan reflexes and find and listen to the whole speech. It's a good one.

1. <http://hunterlawfirm.net/wp-content/uploads/2016/01/Sandy-Hook.jpg>

2. <http://wp.me/p4utce-4a>

The Year 2015 in Retrospect - Learning - Teaching - Thinking - Collaborating (2016-01-02 16:35)

[1]



I am pleased that this blog is being seen by more young lawyers and people seeking ideas on what it's like to survive and thrive if you happen to want to be a WV small town or small firm lawyer. And, recently, a client who is going through a big life transition told me that she found useful content for her legal challenges and her views on life.

Blog tutorials insist that I must include rich content. My targets are potential clients, clients, colleagues, and judges. The theory is if I can do that, my SEO scores will increase, not to mention adding a sense of accomplishment to my life.

Please remember that every six months or so I update the table of contents for almost 900 pages of blog posts. That and my "searchable" blog should allow you readily to find out if I have written on a topic of interest to you. It is downloadable as a PDF file e-book.

I perceive "rich content" to include discussions of my practice, my techniques, various pitfalls, and opportunities. I provide summaries of various areas of the law, the make up of the courts, the rules and standards, many "how to" articles, and my methods for running a law office and attracting clients.

My theory is that complete candor, presented with some wit, will educate while helping a person decide if my office, staff, and I are what they are looking for.

This time last year we were still savoring our anniversary trip to Italy. The year 2015 was a whirlwind, with the highlight being our Daughter Laura's graduation from Wake Forest University with her MBA. She has since moved into management of a large health care company. We are so proud of her.

I read a lot in 2015 but allowed my access to vast information to overwhelm. I have vowed to read just as much but to buy less, so my backlog of 100 books, various courses, and magazines, and podcasts, reduces. Allowing such stuff to accumulate is a form of "intellection hoarding. "

[2]



We continue to fight for "the little guy", to seek justice, the protection of children, and a fair result at a fair price. I also decided to do some things for my profession. Here are a few.

1. I was nominated and elected as a member of the Board of Governors of the WV State Bar.
2. My first assignment was to co-chair the annual State Bar and WV Dept of Education Video Competition on Magna Carta, its significance in its 800th anniversary year. We have 32 contestants registered! Winners will win prizes and attend the State Bar Annual Banquet and stay with a parent at the legendary Greenbrier Resort.
3. As I have written about, I collaborated on the Family Law Restraining Order Bill, WV Code 49-5A-5a, which passed unanimously the House and Senate Judiciary committees, and then the House and Senate, with the Governor signing it into law in March!
4. I again served as a board member for the WV Assoc. of Justice (WV Trial Lawyers), and am co-chairing the Social Media Communications Committee. That should be fun.
5. I was selected by Jessica Stolarik of The WVU College of Law Continuing Education Program to present on Law Office Management and Social Media in October, along with several excellent speakers including nationally known consultant Bret Burney and software designer Roy Lasris of [3]www.Pathagoras.com.
6. As a result, the WVAJ has also asked me to present at the WVAJ Mid-Winter Meeting in February. I have learned so much in researching those CLE classes and am excited to start the new year with these two

February projects.

I think I will go back over my writings and revise and reprise my more informative "how to" blog articles. In the meantime, remember that table of contents and that my blogs are "fully searchable" via the engines provided.

Happy new year to you all.

jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2016/01/image-1.jpeg>
2. <http://hunterlawfirm.net/wp-content/uploads/2016/01/image.jpeg>
3. <http://www.Pathagoras.com/>

8. 2015

8.1 December

I Used to Detest Ralph Nader (2015-12-02 22:16)

I will try to keep this as short as one of my Facebook posts.

In 1965, Ralph Nader wrote his book, "Unsafe at Any Speed", an indictment of my family's second car, The Chevrolet Corvair. My car mags, Road and Track and Car and Driver hated him too. Finally, Detroit was making a sporty, small, vehicle, and Ralph was trying to muck that up.

I love speed, always have. I would drive the back roads of Ohio County, much faster than my parents would dream. As I flew up Waddles Run Road, with 3 friends onboard, something interesting happened; as I entered a sharp turn, we instantly switched lanes. Had a car been coming around that turn, we would have been toast. And with that short hood and empty space? Who knows?

Five years later, I was in my fiance's 1960 WV Beetle, on the Interstate, when the wind hit me, and, again, I switched lanes, and again I lucked out. That happened again on the road from Kingwood to Morgantown. I am happy not to own either of those cars and glad no one in my family does. Cars are many magnitudes safer now. And, interior rear view mirrors break off now, not like my MGB where the mirror nearly cost me my sight in the left eye. But the nerve damage was permanent.

Am I just a bad driver? Not really. What I learned from the experience is the properties of something called a "swing axle" to roll under the car, reduce the tire patch, and lose traction abruptly. Did GM and WV know about these dangerous tendencies? What do you think? I was reminded that big business is interested in profits. I thought of that when we learned recently that WV had faked emission test results and sold tens of thousand of polluting cars in the U.S.

I don't have time for the dozens of examples, but I have time to post the URL to this article on Ralph Nader, a man of honor, honesty, character, and courage. Ralph, Joan Claybrook, and Elizabeth Warren are American heroes. My magazines were shills for the auto industry.

Here is a very interesting article on Ralph. jbh [1]How Ralph Nader Changed America

1. <http://www.thenation.com/article/how-ralph-nader-changed-america/>

8.2 November

Making the Best of Two Days On the Road, Oct. 31 - Nov. 1, 2015 (2015-11-04 21:25)

[1]



I encountered the Ghostbusters crew driving on I-81 South, Near Carlisle, Pa.

I posted this to FB on Monday, but promised it as a blog post. I believe it shows that we don't have to wander through life, listening to country music, and hoping for something to kill the boredom. The digital world is a cornucopia of important and entertaining information.

My wife Nancy and I decided on the spur of the moment to take her Connecticut to visit her Mother. That means I was the road nearly 20 hours. Yes, I listened to some Nascar, but I determined not to waste my time. Here are some of the things I found.

Open source resources: Building a house, cell phones; Linux; the T.E.D. Radio hour. Not the most fascinating: [2][How open source information can change our lives.](#)

Someone quoted Oscar Wilde during the Diane Rheme show. I could not find the exact quotation, but here are 70 quotations from Oscar Wilde! [3]<http://quotesnsmiles.com/quotes/70-brilliant-oscar-wilde-quotes/>

Found this great song by Irish Dement: [4]<https://youtu.be/fpQNLZRcNA4>

Found this "old friend" reciting my favorite poem: Dylan Thomas to his father: [5]https://youtu.be/FKp_fjn6d9U

Paul Simon sings one of my favorites: An American Tune: [6]An American Tune .

The best Fresh Air Interview, by Terri Gross, ever: Iris Dement: [7]<http://www.npr.org/2015/10/21/450521621/-for-iris-dement-music-is-the-calling-that-forces-her-into-the-spotlight>

Started by Leo LePorte The Tech Guy, 20 tech podcasts! <https://twit.tv>

Excellent book recommended by Fareed Zakaria: Killing a King: The Assassination of Yitzhak Rabin:

[8][http://www.amazon.com/Killing-King-Assassination-Yitzhak-Remaking/dp/039_1?ie=UTF8 &qid=1446506070 &sr=1-1 &keywords=kill+a+king](http://www.amazon.com/Killing-King-Assassination-Yitzhak-Remaking/dp/039_1?ie=UTF8&qid=1446506070&sr=1-1&keywords=kill+a+king) 3242099/ref=sr _1

In looking up that book; I found this one, rated 4.5 by 380 reviewers; by American Ambassador. Ally: My Journey Across the American-Israeli Divide: [9][http://www.amazon.com/Ally-Journey-Across-American-Israeli-Divide/dp/0812996410/ref=pd_sim_14_2?ie=UTF8 &dpID=41ki-eOoBkL &dpSrc=sims &preST=_AC_UL160_SR105 %2C160 _ &refRID=10GCD0FSTJE4BD7BPJCD](http://www.amazon.com/Ally-Journey-Across-American-Israeli-Divide/dp/0812996410/ref=pd_sim_14_2?ie=UTF8&dpID=41ki-eOoBkL&dpSrc=sims&preST=_AC_UL160_SR105%2C160_&refRID=10GCD0FSTJE4BD7BPJCD)

Fareed Zakaria: Interviewed Richard Dawkins. He explained why every Republican candidate is disingenuous or ignorant in challenging an established scientific fact, Evolution. Carson might as well disagree with Gravity! :) Fareed is available as a free audio podcast, or for a small fee on iTunes. Sorry I don't have the link.

Texture, by Next Issue; sponsors Leo LaPorte, The Tech Guy: Too good to be true? Maybe. Subscribe your iPad or SP3 or Android Pad to the top 100 magazines for \$15/mo. I have a trial free one month to decide: [10]<https://www.nextissue.com/?gclid=CLbq6frw8sgCFQkyaQodJHoC4g>

This sounds very, very impressive: Our new printer: 10000 pages before needing a refill: \$499.

[11][http://www.epson.com/cgi-bin/Store/jsp/Landing/ecotank-super-tank-print_ers.do??sku=C11CE69201 &ref=sem:us-brand-ecotank:gs:ecotank &wm_crID=29797668 &wm_lplID=123446609 &wm_ctID=475 &wm_kwID=81282658 &wm_content=0 &wm_g_crID=80351252952 &wm_g_kw= %2becotank &wm_g_pcmt= &wm_g_cnt=0 &wm_g_device=c &gclid=CLGJ4trM8MgCFQeOaQodaMEAoQ &gclsrc=aw.ds &wm_kw= %2becotank &utm_source=google &utm_medium=cpc &utm_term= %2becotank &utm_campaign=us+ %2D+brand+ %2D+ecotank &wm_sd=1](http://www.epson.com/cgi-bin/Store/jsp/Landing/ecotank-super-tank-print_ers.do??sku=C11CE69201&ref=sem:us-brand-ecotank:gs:ecotank&wm_crID=29797668&wm_lplID=123446609&wm_ctID=475&wm_kwID=81282658&wm_content=0&wm_g_crID=80351252952&wm_g_kw=%2becotank&wm_g_pcmt=&wm_g_cnt=0&wm_g_device=c&gclid=CLGJ4trM8MgCFQeOaQodaMEAoQ&gclsrc=aw.ds&utm_source=google&utm_medium=cpc&utm_term=%2becotank&utm_campaign=us+%2D+brand+%2D+ecotank&wm_sd=1)

Hi Def: 350 degree camera 1080P. Under \$400 if you want a toy. Video too: Ricoh Theta: [12][http://www.amazon.com/s/?ie=UTF8 &keywords=ricoh+theta &tag=googhydr-20 &index=aps &hvadid=83946111749 &hvpos=1t1 &hvexid= &hvnetw=g &hvrnd=15652318281752085665 &hvpone=&hvptwo=&hvqmt=e &hvdev=c &ref=pd_sl_4i1eft5oyt_e_p4](http://www.amazon.com/s/?ie=UTF8&keywords=ricoh+theta&tag=googhydr-20&index=aps&hvadid=83946111749&hvpos=1t1&hvexid=&hvnetw=g&hvrnd=15652318281752085665&hvpone=&hvptwo=&hvqmt=e&hvdev=c&ref=pd_sl_4i1eft5oyt_e_p4)

After telling a fellow he needed to wipe his hard drive and reinstall Windows, Leo LaPorte, the Tech Guy, recommended this Anti-Malware app: [13]http://download.cnet.com/Malwarebytes-Anti-Malware-Free/3000-8022_4-10804572.html

The future of personal loans: www.Prosper.com. Proceed at your own risk.

Still looking for a service to make prints for me: [14]http://freeprintsapp.com/?gclid=Cl_hutbz8sgCFYQ7aQod8SkJFQ

Shutterfly inherited my Kodak Albums: I will give it another try: [15]<https://www.shutterfly.com/>

Gazelle.com : Leo Laporte, The Tech Guy, has these folks as a sponsor. We need this; sell your old devices, and purchase good refurbished ones: [16][https://www.gazelle.com/?k_clickid=ac6c831f-fd8c-47b6-83f8-ae4c9d7c5eac &gclid=CMnI98T18sgCFQmPaQodCXIHrA](https://www.gazelle.com/?k_clickid=ac6c831f-fd8c-47b6-83f8-ae4c9d7c5eac&gclid=CMnI98T18sgCFQmPaQodCXIHrA)

Do you travel? This guy's a genius:[17] <http://www.johnnyjet.com/>

Have slides you want to convert to digital? \$49.95! [18]http://www.staples.com/Vupoint-Digital-Film-Converter/product_897580?cid=BNR:CORP:8689192:1037702:117501376:290360272:0

1. <http://hunterlawfirm.net/wp-content/uploads/2015/11/Ghostbusters.jpeg>
2. <http://www.npr.org/2015/10/23/449200894/how-can-you-open-source-building-your-house>
3. <http://quotesnsmiles.com/quotes/70-brilliant-oscar-wilde-quotes/>
4. <https://youtu.be/fpQNLZRCNA4>
5. https://youtu.be/FKp_fjn6d9U
6. https://youtu.be/C3_qyWU3-qQ
7. <http://www.npr.org/2015/10/21/450521621/for-iris-dement-music-is-the-calling-that-forces-her-into-the-spotlight>
8. http://www.amazon.com/Killing-King-Assassination-Yitzhak-Remaking/dp/0393242099/ref=sr_1_1?s=books&ie=UTF8&qid=1446506070&sr=1-1&keywords=kill+a+king
9. http://www.amazon.com/Ally-Journey-Across-American-Israeli-Divide/dp/0812996410/ref=pd_sim_14_2?ie=UTF8&dpID=41ki-e0oBkL&dpSrc=sims&preST=_AC_UL160_SR105%2C160_
10. <https://www.nextissue.com/?gclid=CLbq6frw8sgCFQkyaQodJHoC4g>
11. http://www.epson.com/cgi-bin/Store/jsp/Landing/ecotank-super-tank-printers.do??sku=C11CE69201&ref=sem:us-brand-ecotank:gs:ecotank&wm_crID=29797668&wm_lpID=12344
12. <http://www.amazon.com/s/?ie=UTF8&keywords=ricoh+theta&tag=googhydr-20&index=aps&hvadid=83946111749&hvpos=1t1&hvexid=&hvnetw=g&hvrnd=15652318281752085665&hvpone>
13. http://download.cnet.com/Malwarebytes-Anti-Malware-Free/3000-8022_4-10804572.html
14. http://freeprintsapp.com/?gclid=CI_hutbz8sgCFYQ7aQod8SkJFQ
15. <https://www.shutterfly.com/>
16. https://www.gazelle.com/?k_clickid=ac6c831f-fd8c-47b6-83f8-ae4c9d7c5eac&gclid=CMnI98T18sgCFQmPaQodCXIHrA
17. <http://www.johnnyjet.com/>
18. http://www.staples.com/Vupoint-Digital-Film-Converter/product_897580?cid=BNR:CORP:8689192:1037702:117501376:290360272:0

8.3 September

My Last "Dear Colleague Letter", 9-29-2015 (2015-09-30 19:31)

[1]



I just mailed out my last letter to 100 or so colleagues I began writing to five years ago.

Things were beginning to change even then, but we still had a pretty stable list of e-mail addresses, and I knew little of blogging and social media communication.

I got replies once-in-awhile, and several warm private notes of thanks, but I think most of what I wrote was quickly bypassed or deleted. If not, the recipients didn't let me know. Even many good lawyers find changing technology to be a royal pain.

But, I was looking for dialogue, and feedback, questions, ideas, and collaboration. It happened a few times, and then it stopped. I am still looking for the core group to swap Pathagoras document assembly templates and share ideas that affect us daily. Many folks to hold their proprietary "secrets" close to the vest. Some may not have any. My Mother taught me that sharing benefits us all. She died poor. I may too, but she taught me good stuff.

And, I began getting 5, then 10, and more "bounce-backs", from addresses that had been changed, probably without notice to me.

I would rather reach and educate, or entertain, a stranger than bore a friend. So, I made it clear where they can find me and turned them loose to "fend for themselves".

Those who found my stuff useful can become friends via social media or subscribe to my blog. Others will be happy not to have another e-mail to delete.

Dear Colleague;

1. **This will be my last Dear Colleague Newsletter. I really cannot keep track of people's e-mail addresses, and the newsletter is a bit intrusive and presumptuous.**
2. **I will be deleting the Outlook Group "Full Colleagues".**
3. **I appreciate your kindness, as only three of my colleagues asked to be taken off of my list in five years, and many have written me privately.**
4. **My writings and ideas can easily be accessed on my blog, below, which you are welcome to subscribe to, and Google+, Linked In, Twitter, and Facebook, personal and professional.**
5. **Remember my goal, to improve our profession, whose future concerns me**
6. **The Solo and Small Firms' seminar went great, thanks to Jessica (Justice) Stolarik, Brent Burney, behind the scenes Brian, Roger Curry, Dan Ringer, Taylor Downs, John B. Hunter IV, and Nancy Hunter. (See the three most recent blog posts. Ed.)**
7. **Remember, the articles mentioned in para. 9 below cover only my 50 minute Friday presentation, and half of Brent Burney's and my Saturday "hot topics" presentation.**
8. **There are 6 more hours of Brett, including 25 or so of his "hot tips", plus Andy Nason on Family law, Prof. McDiarmid, Rachel's Ethics, elder law, federal evidence, and much more. I think Jesse may even try to capture the audio from our presentations so you can access the full content. With two tracks, it was nearly 20 hours of credit.**
9. **This link connects to my three *Sept. 24, 2015* blog articles. [2]<http://hunterlawfirm.net/blog/>**
10. **They are the materials for my seminar presentations, but with "live links" to the sources that I cite. I promise it is quality stuff.**
11. **Hope this material gives you some great ideas, if only how to spend some quality leisure time on podcasts and reading. The Internet is a vast cornucopia, but it takes effort to locate "the good stuff".**

12. **Call or write anytime if there is anything I can share or comment on. With luck, "I ain't going anywhere."**

Regards,

Burt

1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/BurtBest.jpg>
2. <http://hunterlawfirm.net/blog/>

CLE Caveat 9-24-2015 (2015-09-24 18:19)

No photos, graphics, or live urls : Just some thoughts looking back on the advice and tips I have handed out at the 2015 WV State Bar "Solo and Small Firms Annual Conference":

1. Strange to write my post script before publishing my two CLE related posts.
2. But, as I prepared my materials, I began to think of qualifiers.
3. Many things I try don't work out.
4. Some things work for me but may not be best for others.
5. There are important "forks in the road" of law office management and technology, and it's not as simple Yogi's advice, "Take it.!"
6. So here are my caveats:
 - (a) One week before my presentation, my "trusty" Dell Latitude E6510 died. "Motherboard." Ike says! Yikes. I expected to keep my Windows 7 machine as a back up for two more years. I sit here anxiously awaiting a near identical used machine, \$250, praying I can just switch my "C" drive and have my old reliable applications for a while longer. I don't. need a desktop machine, but I still need a laptop.
 - (b) Every move, from DOS to Windows, XP to Windows 7, or 7 to 10, are "BIG DEALS" and it takes at least a year to make each big transition.
 - (c) There are strong points in favor of Windows' devotees, and the "Apple Faithful".
 - (d) I have my windows machines as does my staff. Two even still have Windows XP.
 - (e) But I have an iPad and iPhone and will be upgrading soon.
 - (f) The file structure of Windows is second nature. I need my folders!
 - (g) I find document management and editing on my iPad clunky.
 - (h) As much as I love my Surface Pro 3 in some ways, I have BIG concerns:
 - i. My peripherals such as, thumb drives, external drives and my Sony Cybershot 110 camera WILL NOT WORK!

- ii. Remember that the SP3 has no bay for CD's and DVD's.
 - iii. That leaves me relying on e-mail attachments and DropBox, and that means my Dell Latitude remains an essential tool for the foreseeable future.
 - iv. The pen that came with my SP3 WILL NOT WORK! I have ordered new batteries, two per pen, and a used pen, which also won't work!
 - v. The SP3 came with Windows 8.2, but even with a five-hour Lynda.com course, it was a dud. Windows 10 installed fine but "lost my stuff". So much for being an "early adopter". It should be easier for you. Windows 10 is much better.
- (i) Consultant Barron Henley points out that Apple Macs, for all their user friendliness, cost nearly double a Windows machine with equivalent power. The SP3 may be an exception as mine was at least \$2000.
 - (j) Brett Burney and others tout Apple's ease of use and resistance to security breaches.
 - (k) If you are younger or just starting your practice, I have advantages over you, but you have one over me! With 30+ years of files, my acquiring an integrated practice management application is probably at least a \$15,000 acquisition, and a very demanding proposition for my staff.
 - (l) You may be able to do it for under \$1000.
 - (m) In 2-4 years, not so much as I will have at least 7 years worth of files digitized and NOT paper. In the meantime, we are scanning essential pages and shredding our 10 year + paper client files.
 - (n) So, "bite the bullet" and be sure you have practice management software.
 - (o) If you have not mastered Word, Access, Excel, Outlook, Publisher, PowerPoint, and OneNote, or the Apple or other equivalent, you have a BIG hurdle ahead of you. These are core application EVERY lawyer and business owners should know.
 - (p) You MUST be "in the cloud", but which one(s)?
 - i. DropBox?
 - ii. Google Drive?
 - iii. Onedrive? (and what's Skydrive)?
 - iv. iDrive?
 - v. And will you move to WorldDox or Carbonite? For gosh sakes, at least back up into the cloud every night, so when the fire or earthquake comes, you aren't ruined.
 - vi. Office 365?
 - vii. I hope you paid attention to Brett Burney's presentation, because this is one of his topics.
 - (q) Perhaps most of you will not have one foot in the Windows Camp and the other in Apple iDevices as I do. I like the redundancy, and the iPad is so much more an intuitive tablet. And my iPhone is, welll.....my cell phone. Others prefer Android devices. Now Windows is trying to go mobile.
 - (r) Voice to text is a vital tool for me, but Dragon Natural Speaking is a flawed product.
 - (s) They lie when they say it learns, at least in many instances. It can't do my name, "J. Burton Hunter III" unless I say, "Cap I, Cap I, Cap I". And no amount of "training" can teach it "Letetia".
 - (t) The iDevices' "Dragon App" is ok for draft orders right after the hearing, but the limited ram capacity, means dictating only a paragraph at a time, without the editing features of the full Dragon. Why can't Apple or Microsoft take on Nuance. For now Dragon is it, and an app formerly called "Dictamus" that will create an audio file that I can e-mail back to the office.
 - (u) Podcasts and training videos are wonderful, as is Sirius, but all require dangerous "fiddling" and attention lapses that the good old analog radio with its buttons has had for decades. Nancy and I must travel together in order to make them work, and when I am driving, tears sometimes come unbidden as she tries to solve the mysteries that lie therein.

- (v) If you are a genius at technology, you get to be a national speaker, but most of us aren't, and technology can be hard, expensive, and frustrating.
- (w) Autofill of your e-mails addresses, and "copy to" and "blind copy". If you haven't sent something confidential to the wrong person, you will. My daughter in law Jessica and CLE Director Jessica have learned to reach for "delete" quickly as Outlook and Siri have been moving them up and down as my "primary Jessica".
- (x) And, marketing one's self is time-consuming. If you love to share, talk, and write, as I do, it is easier. If I had the choice, I would retire now to a second "career" as a professional write. That's why I have an 800 page "e-book" and 270 articles. But even if you aren't a blogger, you must claim your pages on all the major social and professional sites. **If nothing else, when people look you up, you must appear, as a well qualified professional, preferably with a dozen or more good reviews.**
- (y) Remember, you won't be in print media, Yellow Pages, local newspaper, much longer, so if you are a small firm, you had better have a plan. If you are too "small", you can disappear.
- (z) And, try as I might, I cannot get enough family law lawyers using Pathagoras to create that great library of pleadings, forms, handouts, and orders, that would make our document assembly so much easier. I am hoping Roy Lasris found some disciples in the audience during his 15 minute presentation during mine on Friday.
- (o) We hope you have learned some things you can apply to improve your daily efficiency and visibility and that you will give us feedback with questions and comments. Please subscribe to my blog. [1]www.hunterlawfirm.net jbh

1. <http://www.hunterlawfirm.net/>

Some Hot Tips (2015-09-24 18:13)

[1]



Burt's Hot Tips.

An excellent collections of legal podcasts.

The Legal Talk Network: [2]<http://legaltalknetwork.com/>

[3]

522

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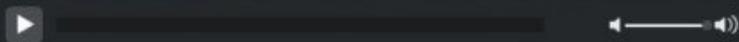
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Excellent desktop search engine although Windows 7 is much better than Windows XP.

[4]<http://www.copernic.com/>

[5]



TechSmith's Snagit: Now that Windows "Snippit" has improved, you may decide you don't need Snagit, but I prefer it's ease of use and ability to save and send and edit.

Snagit: [6]<https://www.techsmith.com/>

[7]



My web programmer (WordPress platform), Dan Caryll.

<http://dancaryll.com/>

<http://dancaryll.com/>

The best darn collection of technology, entertainment (I say education) and design lectures on their planet, via podcasts.

The T.E.D Radio Hour: [8]<http://www.npr.org/programs/ted-radio-hour/?showDate=2015-08-28T>.
T.E.D. Talks: [9]<https://www.ted.com/>

[10]



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We all must consider the benefits of a separate portrait monitor.

VGA, or this is USB Powered.

[17] http://www.amazon.com/s/ref=nb_sb_noss_2?url=search-alias%3Daps&field-

[18]

Related Searches: [usb powered monitor hdmi](#).



AOC E1649FWU 16" USB-Powered Portable LED Monitor - Glossy Black

by AOC

\$89.00 ~~\$139.99~~ Prime
Get it by **Wednesday, Sep 9**

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950

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Product Features
USB-powered (no power cable required) with **USB 2.0** technology

Electronics: See all 6,029 items

Wisdom from a fellow curmudgeon, Roger Curry of Fairmont.

Roger Curry: Dispatches from No. 3 Equity Court: [19]<http://no3equitycourt.blogspot.com/>

[20]<http://no3equitycourt.blogspot.com/2015/08/the-fellowship-in-china-ti-anjin.html>

[21]

Dispatches from No. 3 Equity Court
A Journal of Opinion, News and Essays --- ©2008 - 2015, Roger Curry

25 AUGUST 2015

Sweepings from my hard drive: The HAL 9000 giveth

Place of Pain:

I was in the elevator at the Marion County Courthouse last week.

On the 3rd Floor, three ladies got in. They were markedly upset. The only thing on the 3rd Floor is Div. II of the Circuit Court and the Family Court. Family Court hadn't started.

I have no idea what upset them. From their perspective, it must have been something pretty bad.

A lesson: Court is a place of pain. In theory, lawyers know that. But we often pretend that it's not, and that it's just another day at the office.

Roger D. Curry

No. 3 Equity Court

Total Pageviews

[22]

I do offer you a couple of things, named by others -

Curry's Curse - When you go to Family Court, and the Judge remembers your case, somebody's in trouble.

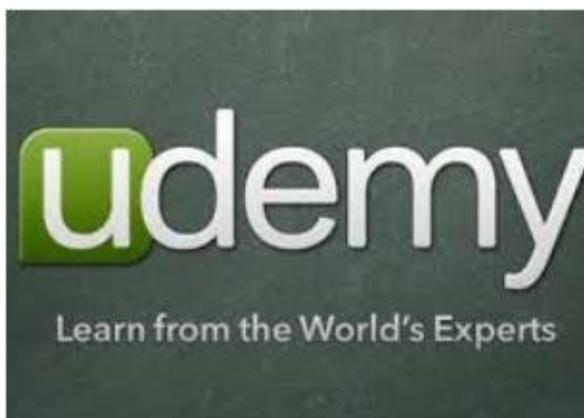
Curry's Commentary - When you have won in Court, get the heck outta there. A wily opponent can grab your defeat from the jaws of success.

Regards,
R

Two reasonably priced technical training sides: \$15/per or \$37.50/mo.

[23]Udemy www.udemy.com

[24]Lynda.com www.udemy.com



[25]

[26]

532



Recommended by David Goldenberg of Parkersburg, and Barron Henley of Columbus, Affinity Consulting, **the complete list of iDevice Apps for lawyers.**

[27]<http://www.iphonejd.com/>

[28]



[Main](#) [Index to Prior Posts](#) [Monthly Archives](#) [About Me](#)

August 25, 2015

One of many government sites:

[29]<http://www.ssa.gov/>

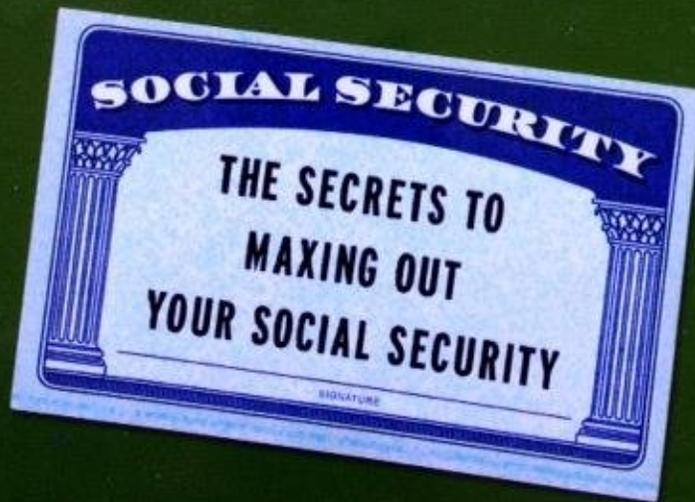
[30]



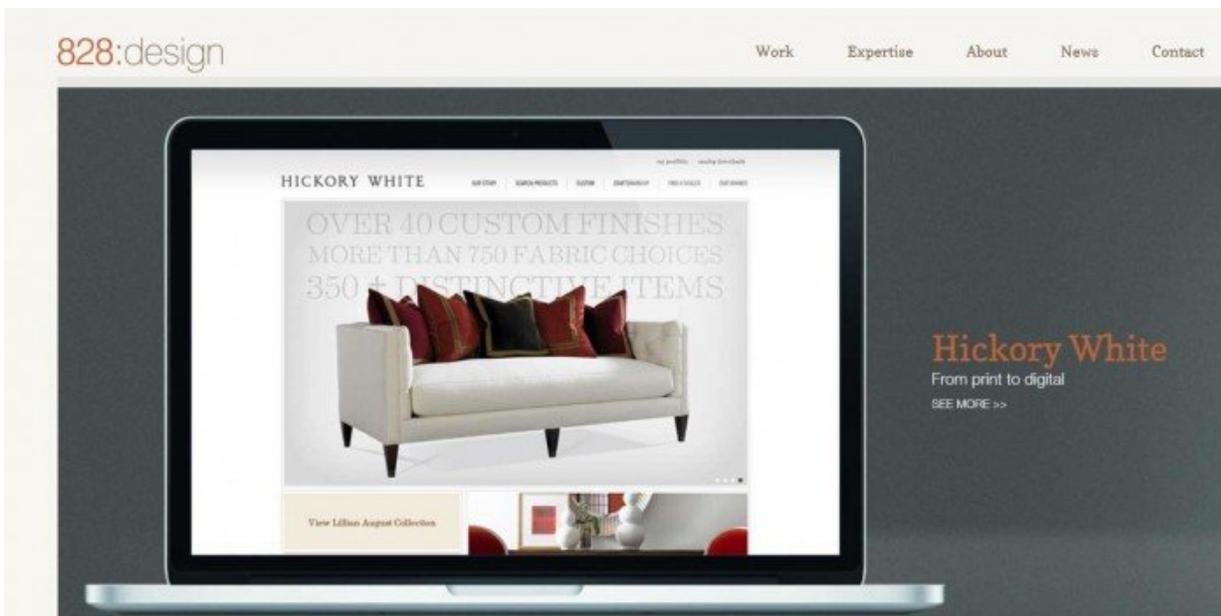
A \$25,000 book! The key point I learned from this book is for a person like myself. I decided to wait until age 70 to maximize my monthly benefit, but I lost over \$20,000 for my wife by not applying, getting, and suspending, benefits. Had I done so, her benefits as a spouse, which have not benefitted by waiting, would have begun 18 months earlier. By having her apply, she at least got 10 months of back due benefits. This book is worth its \$20 price on Amazon.com.

[31]

GET WHAT'S YOURS



Laurence J. Kotlikoff,
Philip Moeller, and Paul Solman



[33]<http://828design.com/>

TinyURL.com: Everyone must be able to reduce the size of a URL. Some applications, such as YouTube and my WordPress editor have it built in. This is what I use,

[34]<http://tinyurl.com/>

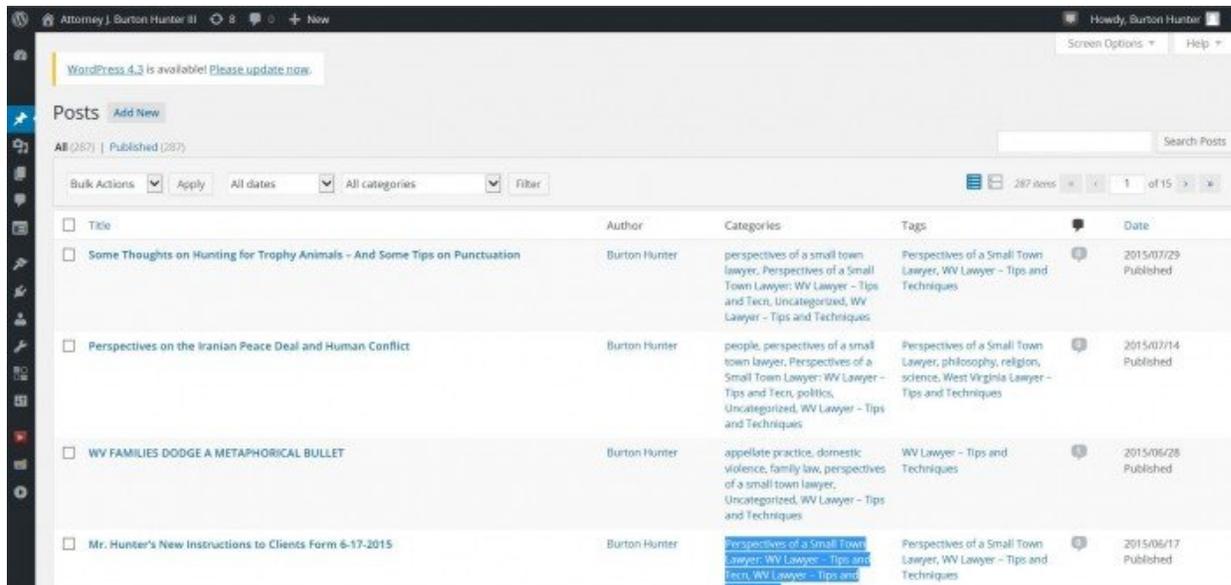
[35]



[36]https://wordpress.com/

Below is the WordPress dashboard for writing and editing blog articles:

[37]



The Alcohawk Alcohol Breath Tester: [38]http://www.amazon.com/s/ref=nb_sb_noss_2?url=search-alias %3Daps &field-keywords=Alcohawk

[39]

Alcohol Precision Digital Alcohol Breath Tester

★★★★☆ 54 customer reviews



SEO, as deep as you want to go:

I paste the following comments sent to me by our son John to whom I reached out for some resources. More than most of you will ever use, but deep information for those who care to use it.

This is essential for "experts" and developers

Very broad and in depth

[40]<https://developers.google.com/products/>

This is more digestible information for the non developer.

[41]<https://developers.google.com/web/fundamentals/principles/>

Good summaries of SEO Algorithm Factors

Broader view

[42]<http://searchengineland.com/periodic-table-of-seo-2015-edition-222074>

Detailed views of SEO Ranking Factors

[43]<https://moz.com/search-ranking-factors>

[44]<http://backlinko.com/google-ranking-factors>

Local SEO Ranking Factors

[45]<https://moz.com/local-search-ranking-factors>

Great social media and marketing site. Also has a great podcast that covers a wide range of topics.

[46]<http://www.socialmediaexaminer.com/>

Great Site for monitoring your local presence on local directories.

[47]<https://moz.com/local/overview>

More in depth local directory monitoring tool. Be more cautious with this one as they request a phone number and are more aggressive with marketing the "enhanced services".

YEXT: My son John advises:

"More in depth local directory monitoring tool. Be more cautious with this one as they request a phone number and are more aggressive with marketing the 'enhanced services'.

This is the one I have just subscribed to for two years. It starts with a 45 minutes training session. You fill out YEXT's master form and it checks the sites you have already claimed and conforms your information, and then it synchs your master form to the remaining of 60 sites.

[48]<http://www.yext.com/>

[49]



Steve Dotto is a nerdy Canadian with lots of tips on Evernote, Wunderlist, and producing webinars.

[50]

A screenshot of the Dotto Tech website homepage. The header features the site name "Dotto Tech" with the tagline "Getting more out of your Tech" and a navigation menu with links for HOME, SPEAKING, YOUTUBE VIDEOS, RADIO, DOTTO'S DEMOS, COURSES, and ABOUT US. Social media icons for Twitter, Facebook, YouTube, and RSS are also present. The main content area is divided into three sections: "FREE TUTORIAL" with a video thumbnail for "Solving the Evernote Puzzle", "LEARN TO SCREENCAST" with two video thumbnails for "Learn to use Evernote" and "Screencasting Secrets", and "How I Create My Videos" with a video thumbnail for "How do I Watch US Netflix?". Below this is a section titled "ASK DOTTO TECH" featuring an article "ADT #6 Google Maps, Gmail and Skitch" dated August 12, 2015. On the right side, there is a logo for "DOTTO TECH News" with the tagline "Stay in Touch with Steve".

Dotto Tech: [51]<http://www.dottotech.com/>

Dotto Tech on YouTube: <https://www.youtube.com/user/dottotech>

Groovy Post

[52]

Windows 10 Forum | Featured Articles | How To Guides | Tech News | Reviews | Quick Tips | [Subscribe](#) | [Login](#)

g|Post

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Outlook 2016: How To Create and Use a Signature

Andre Da Costa | August 25, 2015 in How-To

Adding a signature in the desktop version of Outlook hasn't changed much over the past few versions. But, if you're new to Outlook 2016, here's how it's done.

[Continue Reading](#) 0

Windows 10 Tip: Try Groove Music Pass 30 Days Free

Brian Burgess | August 24, 2015 in How-To

If you've upgraded to Windows 10, Microsoft wants you to give Groove Music Pass a try for 30 days. Here's a look at the service and what it has to offer.

[Continue Reading](#) 0

Complete List of Windows 10 Keyboard Shortcuts and Run Commands

Windows 95 20th Anniversary: 20 Years of Tech Advancements

Google Custom Search

Don't Miss a Single Tip!

HP Pavilion 15t Touch Laptop with Intel® Core™ i5 Intel Inside®. Extraordinary processor. Performance Outside.

Back-to-school
Save on our most popular PCs.
[Shop now at HP](#) [Free](#)

[53]<http://www.groovypost.com/>

How to autoarchive Microsoft Outlook 2010 and 2013: [54] <http://www.groovypost.com/howto/microsoft/outlook-2010-configure-manage-autoarchive-pst/>

The Microsoft Surface Pro 3[55]

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Surface Pro 3 - 128GB / Intel Core i5

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(was \$999.00) save \$100.00

The 12-inch Surface Pro 3 is the tablet that can replace your laptop (Type Cover sold separately).

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256GB / Intel Core i7 - 2.7GHz / 8GB RAM

Like 35k

Pin it 1K+

Tweet 517

Surface Pro 3:
3/productID.300190600

[56]http://www.microsoftstore.com/store/msusa/en_US/pdp/Surface-Pro-3/productID.300190600

The Lawyerist:[57]<http://thelawyerist.com> ; and Th Lawyerist lab: [58]<http://lab.lawyerist.com/>

[59]

542

Welcome to the Lab! Before you register an account and start posting, take a moment to [read our posting guidelines](#), which include information on registering. (You can dismiss this message by clicking the X in the corner.)

Lawyerist Lab

The Lawyerist Lab is a community of lawyers and legal professionals where you can get answers to your law practice questions and discuss legal technology, marketing, productivity, starting a law firm, and more.

< 1 2 3 4 5 6 7 ... 65 >

Alternatives to Ruby Receptionists in light of price increase

I have been using the virtual receptionist service Ruby Receptionists for over a year. They are the third virtual receptionist service I have used, and they're by far the best. It's not even close, really. Ruby just sent me an email informing me ...

alphaomegan 18 views 0 comments Started by alphaomegan 5:44PM Practice Management

Office share available in unique space on the Greenway in Minneapolis

Our two-lawyer civil rights firm is looking for another lawyer to sublease a large office in our suite in Uptown. Please take a look at this posting on Craigslist for more information: <https://minneapolis.craigslist.org/hnp/off/5179352937.html>

alphaomegan 2 views 0 comments Started by alphaomegan 5:21PM Job Postings & Referrals

Amicus Cloud - are you experiencing the same problems?

Are you fellow users of Amicus Cloud (we call it "AC") experiencing similar issues? Due to the slowness of Amicus Cloud, it has taken me ****2 hours** to do ...

Howdy, Stranger!

It looks like you're new here. If you want to get involved, click one of these buttons!



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Nominate the Best Law Firm Websites, 2016 Edition

How To Avoid Billing for Interruptions

By Kate Mangan on January 15th, 2016
 2 comments



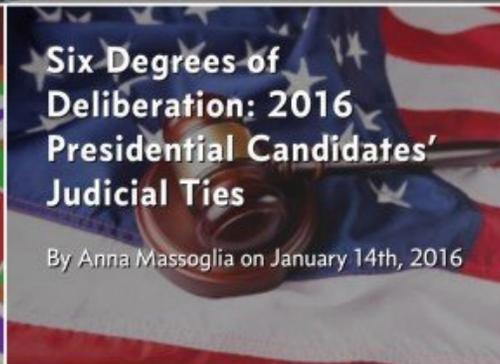
Sexism = Sanctions

By Lisa Needham on January 15th, 2016



Six Degrees of Deliberation: 2016 Presidential Candidates' Judicial Ties

By Anna Massoglia on January 14th, 2016



Keep Your Website Copy Up-to-Date

By Cari Twitchell on January 13th, 2016



Should You Pay to Speak at a CLE?

By Andrew Cabasso on January 13th, 2016



Another Reason Not to Use Email for Confidential Communication

By Sam Harden on January 12th, 2016



Episode #50: Stuff You Should Know About Computers but Probably Don't, with Adriana Linares

By Lawyerist on January 12th, 2016



Find Out Where Two-Factor Authentication is Available

By Sam Glover on January 11th, 2016

3 comments



8 Best Practices for Law Firm Website Content

By Cari Twitchell on January 11th, 2016

8 comments



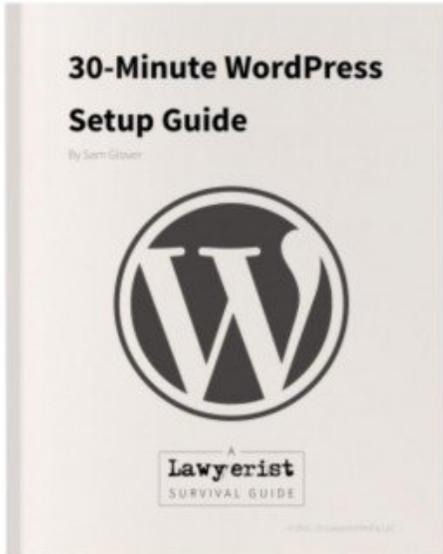
How to Get Your First Client

By Randall Ryder on January 11th, 2016





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Another Reason Not to Use Email for Confidential Communication

By Sam Harden on January 12th, 2016



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Find Out Where Two-Factor Authentication is Available

By Sam Glover on January 11th, 2016

3 comments



8 Best Practices for Law Firm Website Content

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8 comments



How to Get Your First Client

By Randall Ryder on January 11th, 2016



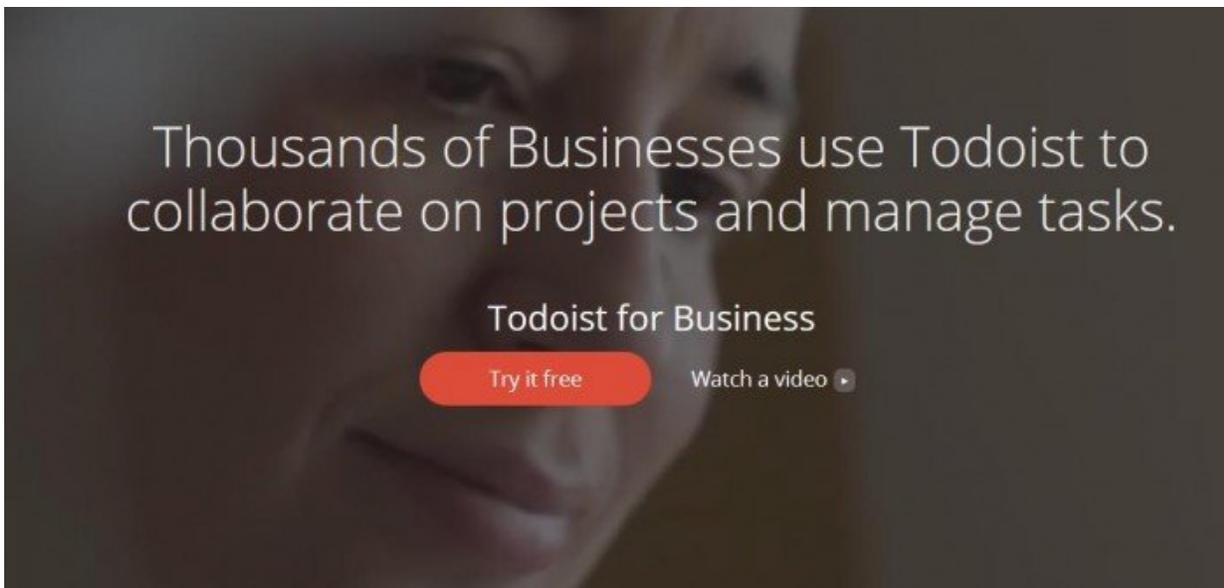
Wunderlist: [64]<https://www.wunderlist.com/>

Todoist: [65]<https://en.todoist.com/>

[66]



[67]



The Law Works: [68]<https://www.youtube.com/watch?v=IBr5AjmDM2c> &list=PLF41F876252C12C3B



[69]



Dan Ringer

8/17, {

You asked for suggestions:

1. A solo/small firm lawyer is (1) a lawyer, and (2) a business wo/man. Learn basic accounting, time keeping, computers and marketing.
2. The only thing stupid about questions is the person who doesn't ask them.
3. When you don't know what to do, do something. Don't let the perfect be the enemy of the good.
4. Strive for perfection. You'll never attain it. but you'll look great by comparison.
5. In a pinch remember, if the minimum wasn't good enough, it wouldn't be called the minimum.

[70]



Dan Ringer

8/18,

I forgot the most important one: Never do anything of consequence when you're angry, drunk, or think you're in love!

[71]<http://www.socialmediaexaminer.com>

[72]

The image shows a screenshot of the Social Media Examiner website. At the top, there is a navigation menu with links: HOME, FREE UPDATES, PODCASTS, SUMMIT, CONFERENCE, SOCIETY, EVENTS, REPORTS, STARTING, ABOUT. Below the menu is a large banner for the 'Social Media Examiner' website, featuring a cartoon character and the tagline 'Your Guide to the Social Media Jungle'. To the right of the banner is a promotional offer for the 'SOCIAL MEDIA SUCCESS SUMMIT', described as the 'LARGEST ONLINE SOCIAL MEDIA CONFERENCE'. The offer includes a 'Save \$380' badge and a 'Sale Ends This Friday' notice, with a 'CLICK TO LEARN MORE' button. Below the banner is a section for a 'FREE: Social Media Marketing Industry Report'. The text describes the report as the seventh annual social media study, consisting of 52 pages and 80+ charts, based on data from over 3700 marketers. It highlights key findings such as which social networks marketers invest in and how much time they spend on social media. Below the text is a form with two input fields: 'Enter your name' and 'Email', and a 'Send me a copy' button. To the right of the form is an illustration of the report cover, titled 'SOCIAL MEDIA MARKETING INDUSTRY REPORT' and subtitled 'How Marketers Are Using Social Media to Grow Their Business'.

Hands free device for your mobile phone, dictation, or voice to text, or listing to your favorite podcast:

[73]

550



Plantronics Voyager Pro HD Bluetooth Headset Bundle - Compatible with iPhone, Android, and Other Leading Smartphones - Black

by Plantronics

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| 5 answered questions

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Price: **\$74.99** & **FREE Shipping**. [Details](#)

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Sold by [iSave](#) and [Fulfilled by Amazon](#) in easy-to-open packaging. Gift-wrap available.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/09/HomeOffice.jpg>
2. <http://legaltalknetwork.com/>
3. <http://hunterlawfirm.net/wp-content/uploads/2015/09/1.TheLegalTalkNetwork..jpg>
4. <http://www.copernic.com/>
5. <http://hunterlawfirm.net/wp-content/uploads/2015/09/2.CopernicDesktopSearch.jpg>
6. <https://www.techsmith.com/>
7. <http://hunterlawfirm.net/wp-content/uploads/2015/09/3.TechsmithsSnagit.jpg>
8. <http://www.npr.org/programs/ted-radio-hour/?showDate=2015-08-28T>.
9. <https://www.ted.com/>
10. <http://hunterlawfirm.net/wp-content/uploads/2015/09/5.TEDRadioHour1.jpg>
11. <http://hunterlawfirm.net/wp-content/uploads/2015/09/7.NPRPodcastDirectory.jpg>
12. <http://hunterlawfirm.net/wp-content/uploads/2015/09/8.RadioLab.jpg>
13. <https://www.stitcher.com/>
14. <http://hunterlawfirm.net/wp-content/uploads/2015/09/9.Stitcher.jpg>
15. <http://www.thegreatcourses.com/>
16. <http://hunterlawfirm.net/wp-content/uploads/2015/09/10.TheTeachingCompanyTheGreatCourses.jpg>
17. http://www.amazon.com/s/ref=nb_sb_noss_2?url=search-alias%3Daps&field-keywords=USB+Powered+Monitor
18. <http://hunterlawfirm.net/wp-content/uploads/2015/09/11.USBPoweredPortraitMonitor.jpg>
19. <http://no3equitycourt.blogspot.com/>
20. <http://no3equitycourt.blogspot.com/2015/08/the-fellowship-in-china-tianjin.html>
21. <http://hunterlawfirm.net/wp-content/uploads/2015/09/12.RogerCurryDipachesFromNo3EquityCourt.jpg>
22. <http://hunterlawfirm.net/wp-content/uploads/2015/09/CurryRogerTips.jpg>
23. <http://Udemywww.udemy.com/>
24. <http://Lynda.comwww.udemy.com/>
25. http://hunterlawfirm.net/wp-content/uploads/2015/09/13.Udemy_.com_.jpg
26. http://hunterlawfirm.net/wp-content/uploads/2015/09/14.Lynda_.com_.jpg
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28. <http://hunterlawfirm.net/wp-content/uploads/2015/09/15.iPhoneJD.jpg>
29. <http://www.ssa.gov/>
30. <http://hunterlawfirm.net/wp-content/uploads/2015/09/16.SocialSecurityAdminWebsite.jpg>
31. <http://hunterlawfirm.net/wp-content/uploads/2015/09/18.GetWhatsYoursSSBenefits.jpg>
32. <http://hunterlawfirm.net/wp-content/uploads/2015/09/19.828Design.jpg>
33. <http://828design.com/>
34. <http://tinyurl.com/>
35. http://hunterlawfirm.net/wp-content/uploads/2015/09/17.TinyUrl.com_.jpg
36. <https://wordpress.com/>
37. <http://hunterlawfirm.net/wp-content/uploads/2015/09/20.WordPressDashboard.jpg>
38. http://www.amazon.com/s/ref=nb_sb_noss_2?url=search-alias%3Daps&field-keywords=Alcoholhawk
39. <http://hunterlawfirm.net/wp-content/uploads/2015/09/21.AlcoholhawkBreathTester.jpeg.jpg>
40. <https://developers.google.com/products/>

41. <https://developers.google.com/web/fundamentals/principles/>
42. <http://searchengineland.com/periodic-table-of-seo-2015-edition-222074>
43. <https://moz.com/search-ranking-factors>
44. <http://backlinko.com/google-ranking-factors>
45. <https://moz.com/local-search-ranking-factors>
46. <http://www.socialmediaexaminer.com/>
47. <https://moz.com/local/overview>
48. <http://www.yext.com/>
49. http://hunterlawfirm.net/wp-content/uploads/2015/09/2015.Yexrt_.jpg
50. <http://hunterlawfirm.net/wp-content/uploads/2015/09/22.SteveDottoandDottoTech.jpg>
51. <http://www.dottotech.com/>
52. <http://hunterlawfirm.net/wp-content/uploads/2015/09/23.Groovypost.jpg>
53. <http://www.groovypost.com/>
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55. <http://hunterlawfirm.net/wp-content/uploads/2015/09/24.SurfacePro3.jpg>
56. http://www.microsoftstore.com/store/msusa/en_US/pdp/Surface-Pro-3/productID.300190600
57. <http://thelawyerist.com/>
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63. <http://hunterlawfirm.net/wp-content/uploads/2015/09/Lawyerist3.jpg>
64. <https://www.wunderlist.com/>
65. <https://en.todoist.com/>
66. <http://hunterlawfirm.net/wp-content/uploads/2015/09/27.Wunderlist.jpg>
67. <http://hunterlawfirm.net/wp-content/uploads/2015/09/28.ToDoist.jpg>
68. <https://www.youtube.com/watch?v=IBr5AjmDM2c&list=PLF41F876252C12C3B>
69. <http://hunterlawfirm.net/wp-content/uploads/2015/09/DanRinger2.jpg>
70. <http://hunterlawfirm.net/wp-content/uploads/2015/09/DanRinger1.jpg>
71. <http://www.socialmediaexaminer.com/>
72. <http://hunterlawfirm.net/wp-content/uploads/2015/09/31.SocialMediaMarketing.jpg>
73. <http://hunterlawfirm.net/wp-content/uploads/2015/09/Plantronics.jpg>

**Suggestions for Operating and Marketing A Small Firm Efficiently and on a Budget
(2015-09-24 17:43)**



Except for a four year stint in a firm called the U.S. Air Force JAG Corp, I have been in firms of no more than 3 lawyers for 39 years.

As a sole practitioner, I have 3-5 assistants . When a valued employee decided to become a stay at home wife and mother, I was pleased that we were able to stay just as efficient with four as we had with five.

Now that my family law paralegal extraordinaire became Upshur County Assistant Administrator, it isn't easy for us to be down to three, but I am hoping our technology will allow us to do that.

My goal today is to give you some really practical ideas, not all of which are law office technology, but not to overwhelm you as I feel I did to the Kanawha County Bar Association two years ago.

Feel free to write me for a link to my Dropbox shared folder with that PowerPoint presentation.

A word of explanation about that blog. Five years ago, I began to put into writing the things I had learned in 37 years of legal practice. I decided to share what they call "green" or rich content with potential clients, colleagues, judges, and even law school and college professors. I decided that I could contribute, and that it was the way I wanted to shape my "brand" and professional image.

I have also written on low tech office management techniques: [2]<http://hunterlawfirm.net/low-tech-fundamentals-of-running-a-law-office/>

I want to stress something: I could stop now and simply go over with you the contents of this article. If you are 30 years old, I urge you to read it. It is how I do things, day after day, year after year. And it is NOT "rocket science".

You know what you are interested in or want to improve. I will provide resources for office management, office technology, time management, case preparation, document assembly, client relations, and branding or marketing, and the use of social media.

Let me remind you of some essentials that have been ably covered nationally known speakers over the last five years;

1. You must have a computer newer than Windows XP, which is no longer supported by Microsoft.
2. You need a horizontal screen and a portrait screen.
3. You must be saving data off site. And, assuming you still use paper, don't save paper closed files. Save electronically, and return to client or shred.
4. You need a Fujitsu Scansnap sheet-feed scanner; (send to Scansnap, Evernote, e-mail, etc.)
5. You need to have good mobile equipment, iPhone and iPad preferably, and the ability to dictate and send memos and orders back to the office.
6. You must be able to save, search, and manipulate data, text, photos, videos, audio.
7. See my "Caveats" article. You must know what "The Cloud" is, and you must have a strategy. If your office burns down tomorrow, can you open two days later in a new location? Are you saving paper client files? Shame! :(

WV Legal Sites

I insert here three sites from the WV Legal Community, two of which I had formerly overlooked:

Young Lawyers: [3]<http://www.wvyounglawyers.com/>

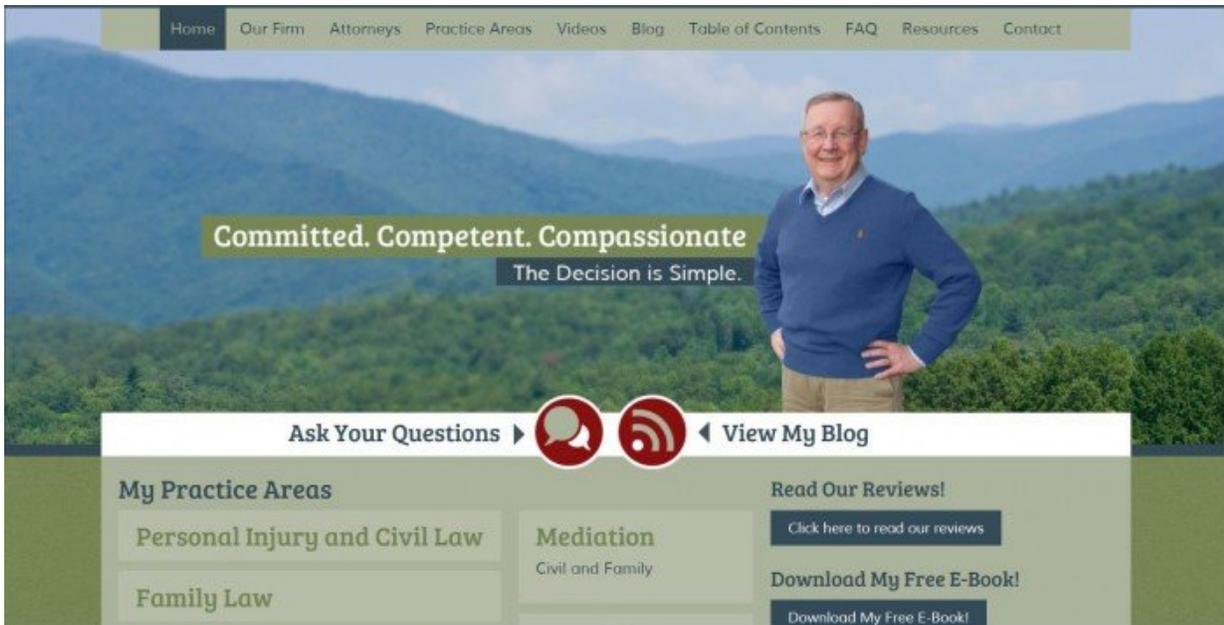
Legal Aid of WV: [4]<http://www.lawv.net/>

WV State Bar and related Links: [5]<http://www.wvbar.org/>

If you like my website, I have included in my materials my very bright and very responsive programmer, Dan Caryll's, website URL and screenshot in my materials for tomorrow's session.

My Firm Website: Committed, Competent, Compassionate: [6]www.hunterlawfirm.net

[7]



My blog, now a combination of what used to be two blogs, is searchable -

"Perspectives of a Small Town Lawyer", and "WV Lawyer - Tips and Techniques"

For example, you will get 73 "hits" by entering the search term "mediation", and yes I voice strong opinions and the bases for my opinions on civil and family mediation. [8]<http://hunterlawfirm.net/?s=Mediation>

My e-book is a downloadable PDF file. It has a table of contents, 270 articles, and 800 pages. It has posts on office management, law office technology, personal injury, mediation, insurance law, family law, civil litigation, my ideas of new products we can sell, and my larger views of the world. [9]<http://hunterlawfirm.net/book.pdf>

I am going to tell you exactly what my sources say you need to create a formidable web presence with a combination of a website, paid services, print media, and social media.

We recently added a button to my website linked to "Our Reviews" and are working hard to demote "Jaynajane's" assessment of me: "Incompetent at Best - This guy is an overpriced arrogant jerk." I will discuss how to establish your brand and promote and protect your reputation online.

[10]

Ask Your Questions   View My Blog

My Blogs

-  A Small Town Lawyer's Perspective
-  West Virginia Lawyer - Tips & Techniques

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Enter your email address to subscribe to this blog and receive notifications of new posts by email.

Recent Posts

- Some Thoughts on Hunting for Trophy Animals – And Some Tips on Punctuation

Our Reviews

Home > Our Reviews

Our clients have reviewed our services all over the web. We've compiled those reviews into this one page to help you find them.

- [Avvo.com](#)
- [SuperPages.com](#)
- [Google+](#)
- [MerchantCircle](#)
- [LawyerRatingz.com](#)
- [Justia.com](#)
- [Lawyers.com](#)
- [FindLaw.com](#)
- [Martindale.com](#)

My articles reflect my personality and my interests.

I try to provide value laced with humor.

For example:

"Buy a Million Dollar Umbrella": provides insights into avoiding financial ruin and filling a critical gap in your insurances. This one I got from my friend and expert Vince King, whose memorandum and research helped me find \$ 1.2 million in UIM coverage. [1] <http://hunterlawfirm.net/buy-a-1000000-umbrella/>

[12]

Buy a \$1,000,000 Umbrella!

Published to: 000111, 000115, 000116, 000117, A Small Town Lawyer's Perspective, insurance bad faith, Perspectives of a Small Town Lawyer, underinsurance, uninsured coverage, West Virginia Lawyer - Tips and Techniques



By [Burton Hunter](#) on June 3, 2012 11:17 pm

4 Comments



\$1,000,000!

Regarding gaps in coverages. Do not learn too late that your liability claim from your devastating car wreck is not covered under your underinsured, UIM, coverage! It is stunning to think there are lawyers in WV driving around with personal umbrellas that do not provide UIM coverage. Check with your carrier!

Pathagoras Segment - Roy Lazris

Today I will share 15 minutes of my time with Roy Lazris, a Va. lawyer, and also former USAF JAG, who invented this remarkable document assembly application, Pathagoras. [13]www.pathagoras.com

I have been using Pathagoras for several years in order to accelerate the production of accurate documents. Pathagoras scans the variable fields from a document template, name, date, address, etc., and creates a questionnaire for the interviewer to fill out during the interview process.

In fairness, Baron Henley, who is certified in the Nexis/Lexis Application HotDocs, can make that application perform wonders, but I have found Roy to be generous with his time, and perhaps be too generous with his support and tutorial materials. I did not find that to be the case with HotDocs, who, last time I checked, charged \$800 for an all-day seminar in Ohio. This just happens to be the program I use. I think it is ideal, not perfect, for small firms, especially family law, particularly for cost and for the 90 day use of a full featured version. Purchasers get a one hour online training session with Roy. My ulterior motive, if I have one, is to get

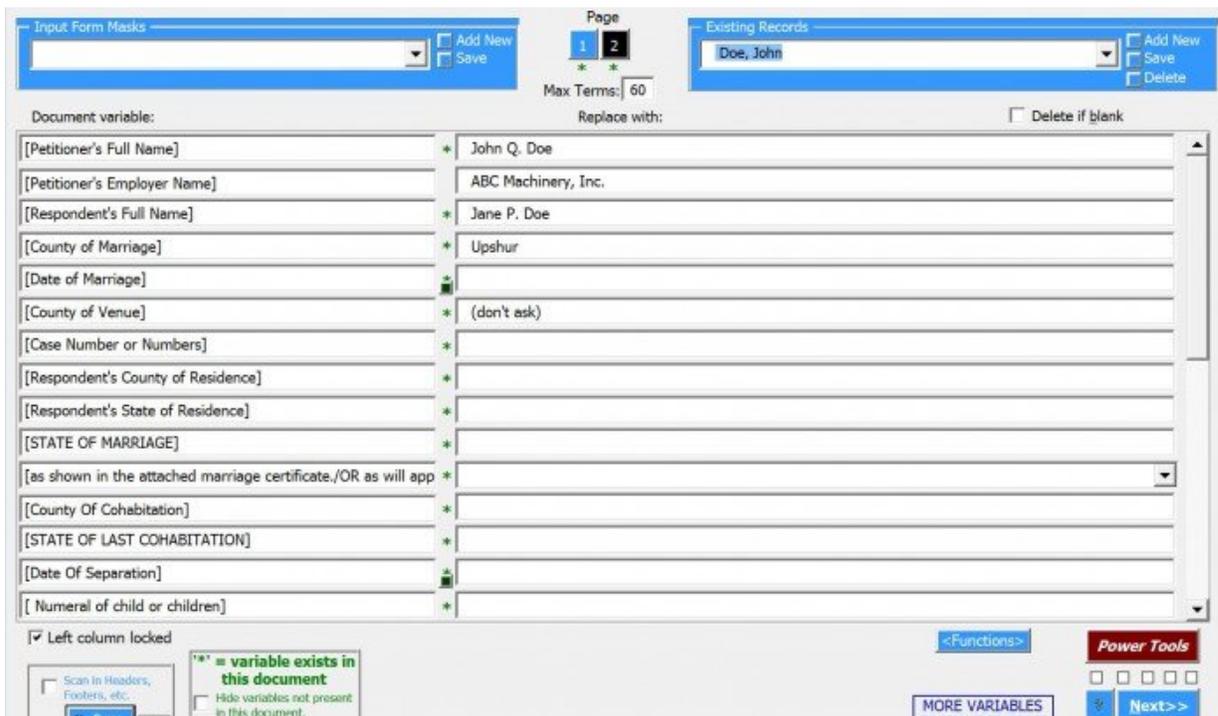
a core of WV users, particularly in family law, so we can share templates, and modify and improve them, to the benefit of everyone including our clients.

[14]



Here is a sample questionnaire:

[15]



These are some of my most useful articles I have written:

This recent post is a two page letter to my clients. They are required to read it and sign. It describes my way of doing things, my ethical standards, and stupid things they must avoid.

[16]<http://hunterlawfirm.net/mr-hunters-new-instructions-to-clients-form-6-17-2015/>

This is a proposal I wrote, following the last WV State Bar Meeting, for someone, I proposed the Young Lawyers' Section, to do the appropriate homework and locate vendors for a turnkey technology system for small firms

[17]<http://hunterlawfirm.net/a-proposal-on-behalf-of-new-and-small-firm-wv-lawyers-a-turnkey-office-technology-system/>

The more I can empower my clients to gather and organize facts on their own, the more time I can save and them. I will try to talk more about it later, but I strongly urge you to read "Digging down...". It is a three legged stool: First - "puzzle pieces, the people, documents, and other things that form the puzzle picture; Second - Worries, goals, questions, gripes; (top ten lists), and Third - The chronology, often put into a timeline exhibit.

That's the secret for small firm lawyer to prepare for that dispute or civil trial or mediation.

1. [18]<http://hunterlawfirm.net/something-constructive-how-to-organize-the-facts-in-your-case/>
2. [19]<http://hunterlawfirm.net/more-about-organizing-your-case/>
3. [20]<http://hunterlawfirm.net/digging-down-on-organizing-and-preparing-your-case/>

This is a rather robust summary of my efforts to market and express myself, and screenshots of various websites, reviews, and information resources published in Dec. 2014, and my first article on my efforts to obtain good reviews, published in August 2014. Again, I could just click to this site and use it as a course outline.

1 [21]<http://hunterlawfirm.net/social-media-annual-review-marketing-for-the-small-firm-lawyer/>

1. [22]<http://hunterlawfirm.net/more-on-social-media-reviews-of-lawyers/>

The next article is an abrupt swerve. It is a summary of my experiences during the passage of WV Code **51-2A-2a. "Family court jurisdiction to restrict contact between parties"**, just as our Supreme Court was emasculating Family Courts from restraining all bad behavior except domestic violence. It has attracted very little attention, but I think it gives Courts an essential tool to moderate behavior that hurts parties, families, and children. It passed on the very day that the Supreme Court was taking to task small firm lawyer Jerry Blair of Clarksburg. I agreed with Mr. Blair. The Court did not.

The Court in *Miller v. Riffe* emasculated our Family Courts, and #51-2A-2a, un-emasculated them.

[23]<http://hunterlawfirm.net/the-wv-senate-bill-430-now-a-law-that-no-one-heard-of/>

I have been polishing a product to help the low income client, and people who need some essential legal services but do not know how to go about finding them, or perhaps do not know they need them. A small

flat fee covers a variety of services:

1. [24]<http://hunterlawfirm.net/when-you-cant-or-wont-hire-a-lawyer-a-possible-option/>
2. [25]<http://hunterlawfirm.net/free-power-of-attorney-annual-legal-checkup/>

Managing tasks and information are a constant challenge. I think the key for the future is ease of use, over multiple platforms. That means your tasks, calendar, contacts, and e-mail. I talk here about Wunderlist, Evernote, and the on-line training services www.Lynda.com and www.Udemy.com. David Duffield of Duffield, Lovejoy and Stemple in Huntington presented an application similar to Wunderlist named "Todoist". Pick the one that suits you and "go for it"!

[26]<http://hunterlawfirm.net/a-wonderful-step-forward-in-my-task-management/>

[27]<http://hunterlawfirm.net/internet-learning-opportunities-evernote-and-lynda-com/>, and www.udemy.com

These are practical tips and solutions to several daily challenges for lawyers, making sure you can prove mail was received, dealing with non-communicative lawyers and parties, helping process servers find the defendant, figuring out when your client is lying, figuring how to prioritize your tasks, and several more. My pick of 11 important sites include lawyers with great "links" and government sites.

1. [28]<http://hunterlawfirm.net/practical-tips-for-lawyers-8-14-2012/>
2. [29]<http://hunterlawfirm.net/the-lawyers-golden-rule-for-sheriffs-and-private-process-servers/>
3. [30]<http://hunterlawfirm.net/burts-lie-detector/>
4. [31]<http://hunterlawfirm.net/how-to-be-productive-while-preserving-ones-sanity/>
5. [32]<http://hunterlawfirm.net/burts-picks-of-11-important-websites/>
6. These are some family law posts, on lawyers who are not candid, four articles on alimony, WV's law of equitable distribution, "divorce 101", "the nuts and bolts of family court", and keeping in mind the sometimes hidden interests impacting settlement discussions and mediation.
7. [33]<http://hunterlawfirm.net/disingenuous-lawyers/>
8. [34]<http://hunterlawfirm.net/tag/perspectives-of-a-small-town-lawyer-2/page/15/>
9. [35]<http://hunterlawfirm.net/equitable-distribution-wv-divorce-property-law/>
10. [36]<http://hunterlawfirm.net/divorce-101-handout-october-5-2011/>
11. [37]<http://hunterlawfirm.net/the-nuts-and-bolts-of-family-court/>
12. [38]<http://hunterlawfirm.net/lessons-from-hatfields-mccoys/>

13. [39]<http://hunterlawfirm.net/family-law-practice-tip-equitable-distribution-and-alimony-spreadsheets/>

These are some of my favorite posts, on my view of the world and our place in it:

1. [40]<http://hunterlawfirm.net/burts-criticism-of-religion-and-religiosity/>
2. [41]<http://hunterlawfirm.net/burts-response-to-the-challenges-of-the-modern-world/>
3. [42]<http://hunterlawfirm.net/obesity-and-the-law-and-how-not-to-be-fat/>
4. [43]<http://hunterlawfirm.net/some-thoughts-on-hunting-for-trophy-animals-and-some-tips-on-punctuation/>
5. [44]<http://hunterlawfirm.net/a-life-of-reading/>
6. [45]<http://hunterlawfirm.net/a-small-town-lawyers-reading-list/>

My personal injury posts are generally designed to dispel misconceptions and educate the potential client

1. [46]<http://hunterlawfirm.net/personal-injury-client-misperceptions/>
2. [47]<http://hunterlawfirm.net/dear-personal-injury-client-points-to-remember/>
3. [48]<http://hunterlawfirm.net/not-the-normal-personal-injury-blah-blah/>
4. <http://hunterlawfirm.net/the-chinese-curse-may-you-have-a-mild-closed-head-injury-and-what-if-it-happens-to-you/>
5. [49]<http://hunterlawfirm.net/various-insurance-coverages/>
6. [50]<http://hunterlawfirm.net/what-sue-my-employer-deliberate-intent/>

Mediation: a search that produced 73 results for "mediation". I passionately believe in mediation, and lots of thoughts on the subject. Some of my opinions are against the mainstream:

[51]<http://hunterlawfirm.net/?s=Mediation>

With a practice that includes family law, personal injury, civil, and mediation, I have had plenty of opportunity to see huge differences in mediation depending on the parties, issues, and forum. A good lawyer will master the differences.

[52]<http://hunterlawfirm.net/a-foot-in-each-camp/>

As new lawyers appear in Buckhannon, I have tried to mentor them with my views on "hanging out your shingle". Truly not for the faint of heart!

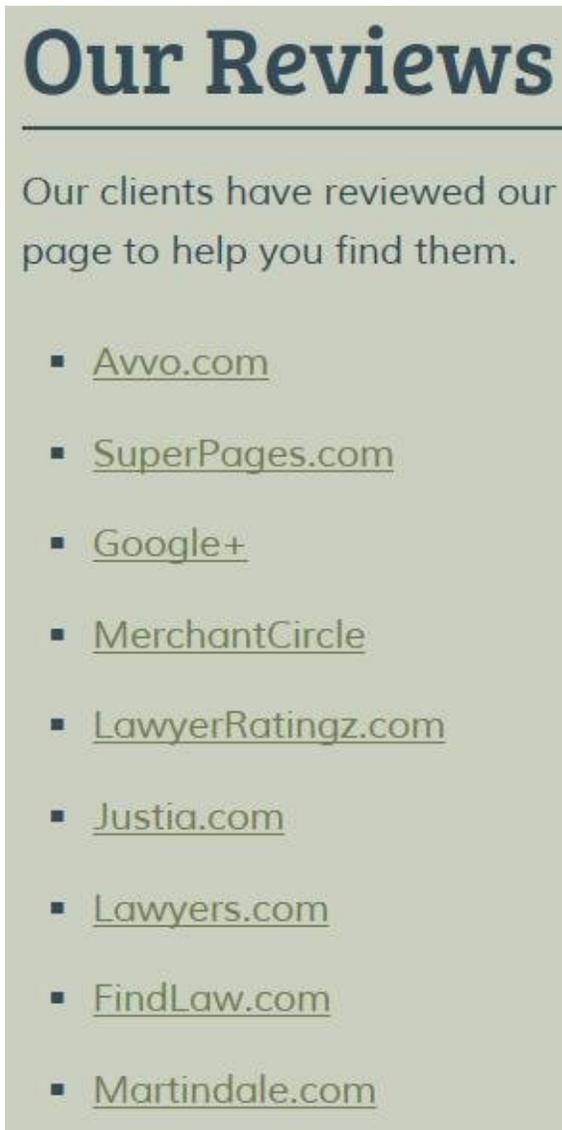
[53]<http://hunterlawfirm.net/hanging-out-your-shingle-not-for-the-faint-of-heart/>

Social Media Marketing

Google Search yourself:

[54]<https://www.google.com/#q=J.+Burton+Hunter+III>

Does your site invite visitors to read your review?



Our Reviews

Our clients have reviewed our page to help you find them.

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- [LawyerRatingz.com](#)
- [Justia.com](#)
- [Lawyers.com](#)
- [FindLaw.com](#)
- [Martindale.com](#)

[55]

[56]<http://hunterlawfirm.net/our-reviews/>

Raise your score from 6.5 to 10.0 Avvo.com

[57]



J. Burton Hunter

also known as J. Burton Hunter III, John B. Hunter III

Concerned, Compassionate, Competent, and Experienced Trial Counsel

PRO

Edit profile

Practice areas:

Divorce & Separation, Personal Injury, Lawsuits & Disputes, Mediation

Buckhannon, WV

Licensed since 1972

More

Client Rating: ★★★★★

out of 6 reviews

Avvo Rating: 10.0 out of 10

Learn about the Avvo Rating >

[58] <http://www.avvo.com/attorneys/26201-wv-j-hunter-4508877.html>

Here is my Google+ Home Page:

Note the Map to Office, and my 8 reviews' rating:

[59]

J. Burton Hunter, III And Associates, PLLC
 1 W Main St Buckhannon, WV 26201
 (304) 472-7477
 hunterlawfirm.net
 Family Law Attorney
 Today 8:00 am – 4:30 pm
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 2 followers | 24,856 views

Contact Information

Review Summary [Write a review](#)

4.9
 ★★★★★
 8 reviews

5 star
 4 star
 3 star
 2 star
 1 star

"Thank you, Mr Hunter for all your outstanding work."
 "I recently had a child custody case and used Burton Hunter."

[60]https://plus.google.com/108608274932908874385/about

Justia Lawyers "Compare 53 Lawyers Serving Buckhannon, WV"

[61]

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[62]https://www.justia.com/lawyers/west-virginia/buckhannon

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[63]



Mr. J. Burton Hunter III



Competent, compassionate, committed, and innovative.

Contact: (304) 472-7477
Experience: 43 years
Law School: West Virginia University College of Law - West
Jurisdictions: West Virginia
4th Circuit

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OVERVIEW

About Mr. J. Burton Hunter III

Small Town rurul kid; 4-H Clubs, Methodist Youth Fellowship;Linsly M College of Law; USAF JAG Corp. Small Town lawyer in North Central

Practice Areas

Personal Injury
Family Law
Domestic Violence
Divorce

Additional Practice Areas

[64]<https://lawyers.justia.com/lawyer/mr-j-burton-hunter-iii-1497838>

[65]<https://lawyers.justia.com/lawyer/mr-j-burton-hunter-iii-1497838>

[66]

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MAP LOCATION



[View larger map/Directions »](#)

HOW DO I CHOOSE A LAWYER?

Consider the following:

Comfort Level - Are you comfortable telling the lawyer personal information? Does the lawyer seem interested in solving your problem?

Credentials - How long has the lawyer been in practice? Has the lawyer worked on other cases similar to yours?

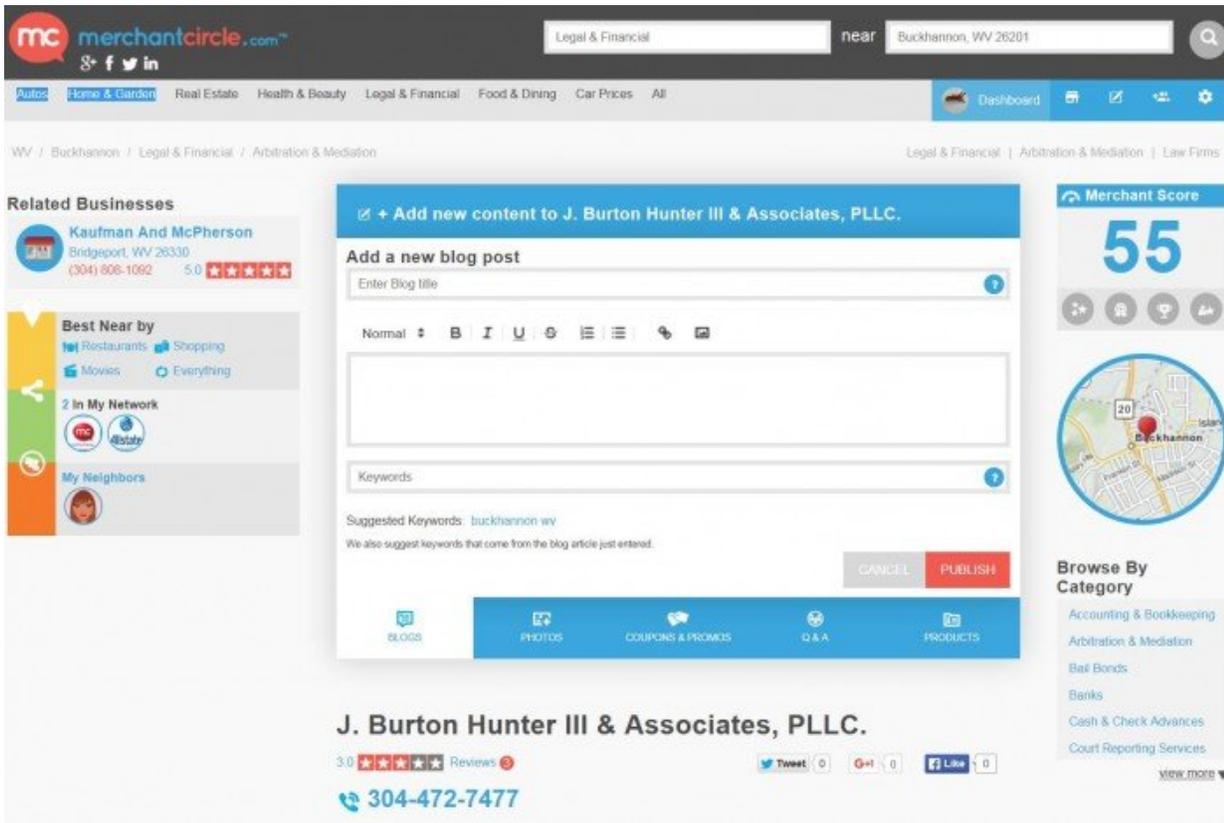
Cost - How are the lawyer's fees structured - hourly or flat fee? Can the lawyer estimate the cost of your case?

City - Is the lawyer's office conveniently located?

[67]www.findlaw.com and Burton Hunter: http://pview.findlaw.com/view/2443583_1

Even one bad review can drag you down: "Incompetent at Best - This guy is an overpriced arrogant jerk." by jaynajane

[68]



[69] <http://www.merchantcircle.com/business/J.Burton.Hunter.III.and.Associates.PLLC.304-472-7477/review/list> #reviews

ates.PLLC.304-472-

YEXT: My son John advises:

"More in depth local directory monitoring tool. Be more cautious with this one as they request a phone number and are more aggressive with marketing the 'enhanced services'."

This is the one I have just subscribed to for two years. It starts with a 45 minutes training session. You fill out YEXT's master form and it checks the sites you have already claimed and conforms your information, and then it synchs your master form to the remaining of 60 sites.

[70] <http://www.yext.com/>

I include the listings below so you can see the 60 sites that YEXT will synch you to:

[71]

568

PowerListings Scan Results

SCAN BUILD

J Burton Hunter III and Assocs, PLLC, (304) 472-7477 [\(Scan Another Business\)](#)

This location has
PowerListings!

Log in to your account to:
 - Add PowerListings on more sites
 - Check the status of your PowerListings
 - Get PowerListings on more locations
 and more!

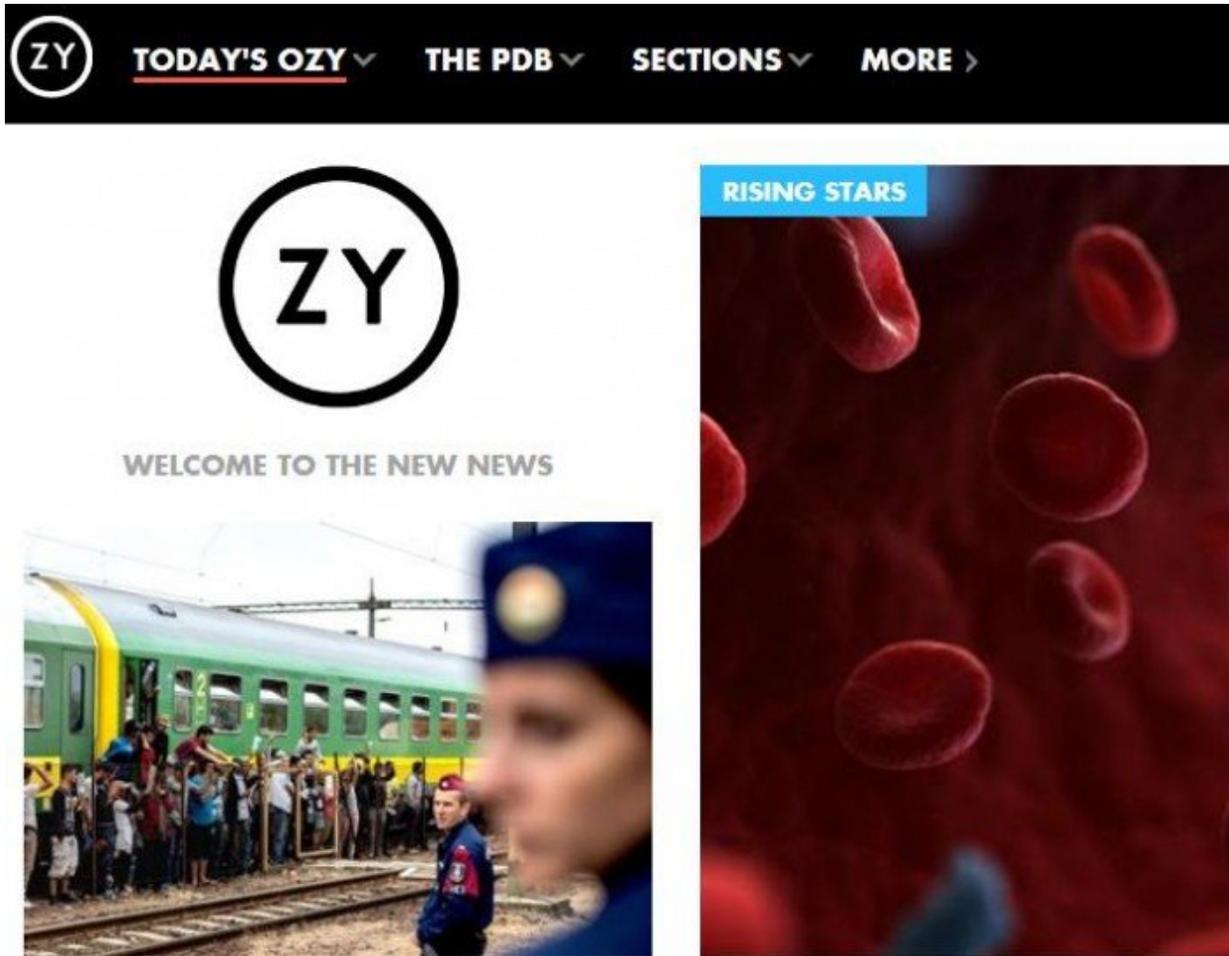
LOG IN NOW

	Business Name	Address	Phone	Special Offer	Status
	Yahoo! view listing				✓ PowerListings Synced
	Facebook view listing				✓ PowerListings Synced
	Bing view listing				✓ PowerListings Synced
	Yelp view listing				✓ PowerListings Synced
	WhitePages				✓ PowerListings Synced
	MapQuest view listing				✓ PowerListings Synced
	Superpages view listing				✓ PowerListings Synced
	Citysearch view listing				✓ PowerListings Synced
	Local.com view listing				✓ PowerListings Synced
	Foursquare view listing				✓ PowerListings Synced
	DexKnows view listing				✓ PowerListings Synced
	Insider Pages view listing				✓ PowerListings Synced
	Credibility.com view listing				✓ PowerListings Synced
	MerchantCircle				✓ PowerListings Synced
	eLocal view listing				✓ PowerListings Synced
	EZlocal view listing				✓ PowerListings Synced
	LocalDatabase view listing				✓ PowerListings Synced
	ShowMeLocal view listing				✓ PowerListings Synced
	Topix				✓ PowerListings Synced
	CitySquares view listing				✓ PowerListings Synced
	LocalPages view listing				✓ PowerListings Synced
	Yellowise view listing				✓ PowerListings Synced
	YellowMoxie view listing				✓ PowerListings Synced

 Tupalo	✓ PowerListings Synced				
 Avantar	✓ PowerListings Synced				
 Co-Pilot	✓ PowerListings Synced				
 Navmii	✓ PowerListings Synced				
 Where To? view listing	✓ PowerListings Synced				
 ChamberofCommerce.com	✓ PowerListings Synced				
 USCity.net view listing	✓ PowerListings Synced				
 YellowPageCity.com view listing	✓ PowerListings Synced				
 AmericanTowns.com	✓ PowerListings Synced				
 8coupons view listing	✓ PowerListings Synced				
 N49.ca view listing	✓ PowerListings Synced				
 Yasabe view listing	✓ PowerListings Synced				
 GetFave view listing	✓ PowerListings Synced				
 GoLocal247	✓ PowerListings Synced				
 Citymaps	✓ PowerListings Synced				
 Citybot	PUBLISHER DOES NOT SUPPORT YOUR CITY				Not standing out
 YellowPagesGoesGreen	✓ PowerListings Synced				
 Pointcom view listing	Hunter J Burton III	1 W Main St	3044727477		Not standing out
 ABLlocal view listing	✓ PowerListings Synced				
 Opendi view listing	✓ PowerListings Synced				
 VotefortheBest view listing	✓ PowerListings Synced				
 2findlocal view listing	✓ PowerListings Synced				
 MyLocalServices view listing	✓ PowerListings Synced				
 Cylex view listing	✓ PowerListings Synced				
 iGlobal view listing	✓ PowerListings Synced				
 iBegin view listing	✓ PowerListings Synced				

NPR is promoting this site, which covers "The New News", Ozymandias, "Ozy" for short

[73]



Trends, discoveries, technology, modernity. [74]<http://www.ozy.com/>

1. http://hunterlawfirm.net/wp-content/uploads/2015/04/Blog2IMG_6987.jpg
2. <http://hunterlawfirm.net/low-tech-fundamentals-of-running-a-law-office/>
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49. <http://hunterlawfirm.net/various-insurance-coverages/>
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53. <http://hunterlawfirm.net/hanging-out-your-shingle-not-for-the-faint-of-heart/>
54. <https://www.google.com/#q=J.+Burton+Hunter+III>
55. <http://hunterlawfirm.net/wp-content/uploads/2015/09/6.OurReviewsEnlarged.jpg>
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8.4 July

Some Thoughts on Hunting for Trophy Animals - And Some Tips on Punctuation (2015-07-29 20:04)

The news item of the rogue dentist who killed Cecil, Zimbabwe's favorite lion will soon be off of the front page, but it prompted me to make this post to FB, and some thoughtful posts, so I thought I would share it.

A conundrum:

1. WV has a tradition of hunting. Fathers, and Mothers, teach sons and daughters.
2. A furry friend is just as alive as a fishy friend, and my best friend Dick and I harvest 100 or so a year from our pond and kill perhaps a dozen a year inadvertently. We should throw a couple hundred small ones up on the bank, but we're "chicken".
3. Killing the largest and most fit changes the gene pool.
4. My guess is that in 50 years, WV adult deer will be the size of our dog, Duffy.
5. Killing apex predators such as lions, elephants, and deer from now tiny populations of them is changing the gene pool dramatically, and losing diversity. CNN today reported that there are hardly any large maimed lions left.
6. I have a big ego (oh really?). In another world, I might want to show my prowess in things male by stalking and killing. Clearly, someone in my bloodline probably did that.
7. Killing for trophies is not killing for the family and bringing the food, and every other part, back for its use.
8. As I get older, the things I kill have been reduced to the ones that land on me, sting me, and keep me up in bed. Others are escorted out.
- 9.. Killing the big beasts has a tremendous symbolic significance. The number of species is declining, and whether you believe in global warming or not, you must admit we are outgrowing out planet, and we sure haven't made much progress getting off of it.
10. So, I think the people who threatened the rich, and obviously very bored and insecure, dentist, are wrong. But, he deserves to be convicted for what very clearly is a crime, (he did try to hide/destroy the animal's tracking collar) and to be shunned for doing something against the interest of the animals, against nature, against the country of Zimbabwe, and against our planet.
11. I still have my concealed pistol permit, I still harvest my fish, I still believe in the Second Amendment, I will

still shoot you if you invade my house, and I still believe in the licensed (after proper training) use of firearms in WV.

12. But the dentist should be ashamed.

13. He's the "Tom Brady" of big game hunters, even to the extent of "murdering" an innocent electronic helper. Sorry Siri!

My Facebook Friends' comments:

[1]Don Watson , [2]Mary Lou Dixon , [3]Pat Radcliff and [4]11 others like this.

• [5] 

[BUTTON] Remove

[6] Danny Kuhn

Burt, I will agree with everything here except the "big ego" part.

[7]Unlike · [8]Reply · [9] 1

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[10]8 hrs

• [11] 

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[12] Joyce Helmick Morton

The dentist needs to be flailed. Put down. He's a small man with no balls. If he wants the Big Hunt he should join the service. Hunt something that hunts him back. Now there's a real sport.

[13]Like · [14]Reply · [15] 2

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[16]8 hrs

• [17] 

[BUTTON] Remove

[18] Julia Brady

Grammar Police: no apostrophe needed in father's and mothers should not be capitalized. As one who has harvested a few deer, I agree that this guy needs to be punished in a very public way. I would send him to work in the villages of Zimbabwe for a year.

[19]Unlike · [20]Reply · [21] 2

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[22]7 hrs

- [23] 

[BUTTON] Remove

[24] Frank Warren III

You have hit the nail directly on the head Burt. This dentist, a little man who must be insecure compensates by killing animals making him feel superior. I would love to see him deported and jailed, this guy does not care about fines. I encourage hi

s patients to go elsewhere. Killing for sport or trophies disgust me. Years ago I spoke with a very old man who ask if I hunt. I told him I did not and had not since my late teens. I ask him why when he said he had not hunted in years because the older he got the more he appreciated life. I never forgot that. As for your ego, I think a successful person must have a little ego, self confidence and arrogance to be successful. I do I am sure and I think most who are successful in life do also. Character flaw, hopefully not.

[25]Unlike · [26]Reply · [27] 2

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[28]7 hrs

- [29] 

[BUTTON] Remove

[30] Frank Warren III

FYI, I have had a concealed permit for 47 years since I was 22, they have been issued in three states over the years, Maine, Virginia and WV. I never leave home without it. Paranoid, I think not Burt, all you have to do is see the nut jobs out there. It only takes being in the wrong place at the wrong time just once.. take care.

[31]Unlike · [32]Reply · [33] 1

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[34]7 hrs

- [35] 

[BUTTON] Remove

[36] Burt Hunter

Julia; back to the ego thing. When I was in 3rd grade, I was crying at home because I couldn't finish reading an assigned book. My Mother read it to me. .I was filled with wonder. By 4th grade, my teacher asked the class whether Burt on Becky read bett

er out loud. They all yelled "Becky!" of course. Becky was a very smart girl. "No." she said, Burt reads with more feeling.". By 5th grade, my group of reading buddies were reading 100 books a year each. Kathy Shores, my recent FB new friend, was the champ at 106. Since then I read thousands. So, no surprise that I was in the top 99 % in my SAT in English grammar and punctuation, and became a semi-finalist for National Merit Scholarhip. My English teacher was indignant that I didn't apply my knowledge better in his classroom. I also read "Eats, Shoots, and Leaves" about the reckless Panda. So, I have moved the apostrophe because it was really a comma, and put it after mothers, thus closing the appositive. It is after all parenthetical. Alas, for 40 years, my wonderful staff members have left the Upshur Country Public Schools with no clue where comma is needed. Thus we have "sprinkled" comma's and, this cost us 20 points if we did it at Linsly, the dreaded "comma sentence splice". Thanks for keeping me on my toes.

[37]Like · [38]Reply ·

[39]7 hrs · [40]Edited

- [41] 

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[42] Burt Hunter

Frank; during my 42 years of practice, there have been 12 deaths, suicides and homicides. Former clients have been murdered within 100 ft. of this spot. I have been told that I am a "Dead MF" if I step out on main St., which I promptly did. My family a

nd I have endured violence and stalking. Now "officers of the court" may not bring a weapon to court in our briefcase, which I did for several years. And our County Commission advises that it cannot afford to beef up security. We never know when it is coming, and it probably won't be right at hand when it does. So far, so good. I just try to treat opponents with respect, and firmness when needed.

[43]Like · [44]Reply · [45] 4

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[46]6 hrs

- [47] 

[BUTTON] Remove

[48] Lee Frizzell

Oh, he is far, far worse than Tom Brady!

[49]Like · [50]Reply · [51] 1

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[52]6 hrs

- [53] 

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[54] Rebecca Bonner Ringer

I barely knew my father. If I was in his presence more than a dozen times after age 2, I'd be surprised. However, on one occasion, when he showed me his hunting cabin in Hampshire County, he told me he had once loved to hunt, but that he had reached a

point in his life when he thought it more important to spare the lives of animals, rather than take their lives for sport. He had always eaten what he killed or had shared the meat with friends, so he was not a trophy hunter. But one day he decided to lay down his gun and pick up a camera. He said the pleasure of the hunt for subjects for his lens was just as satisfying, if not more so, than the hunt for something to kill. One of the last things he shot was a large, wild turkey, which he prepared for me, along with all the fixin's, one Thanksgiving at his cabin. I will always regret that I didn't know this man better, but his attitude toward the lives of animals made me love him. (He was a wonderful cook, too.)

[55]Like · [56]Reply · [57] 2

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[58]5 hrs

- [59] 

[BUTTON] Remove

[60] Burt Hunter

Great post thanks!

[61]Like · [62]Reply ·

[63]4 hrs

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Perspectives on the Iranian Peace Deal and Human Conflict (2015-07-14 17:50)



I don't have time for this. But if I don't capture it, it will be gone. And, I am taking the rest of the day for "Important but not urgent" tasks, including my Lynda.com course on The Essentials of iCloud, something I

just must master.

After all, we all will be living in the cloud from now on. And, I get to "play" with my new SPC flat keyboard and wireless mouse to see how they work in the real world. **And, sometime in the middle of the night, the Iranian Nuclear Deal got done! Blessed be the peacemakers.**

I am listening to the President as I type this. On the way home at 11:00 a.m. I heard Diane Rheme interviewing Abraham Foxman, retiring head of the Jewish Defamation League where he has served for over 30 years.

As expected, he lamented the deal, the negotiating with a country whose leader still vowed to his own people this morning that Iran will eventually wipe Israel off of the face of the earth, and questioned what "teeth" are in the deal in the event of default. That's his perspective.

Well, the President just said a violation will cause all sanctions to "snap back into place". I hope that is true, because Iran really was hurt by those sanctions and won't want them again. That's his perspective.

But, then he surprised me. Mr. Foxman said, "I have to read it now. I will do so with an open mind. I want to be convinced. Whatever else today is, it is historic."

I give him credit for keeping an open mind. He went on to point out that Israel is still the only country to have to fight to name its own capital. He made it clear that Israel will defend itself if that becomes necessary.

That's just the beginning. His "personal story" told me much, so much that I took the long way home, south, then west, and then north.

He and his parents are/were Holocaust Survivors. But, with a twist. To survive, they split up.

They gave him, less than a year old, to a nanny, a devout catholic woman, "for a few days". She kept him for four years. She collaborated with a priest to hide his identity, and baptized him as a Catholic.

His parents went into the Ghetto, from which his Mother somehow escaped. His father was taken away. He escaped from the train, into the dense woods. Talk about Darwinian traits for survival!

This is when the frailty of human nature became clear to me. After four years, they somehow reunited. They had kept track of the Nanny by sending things she had to sign for. She, the Nanny, said, "I saved him. He's mine."

And, get this. a protracted custody suit ensued! If any child should have been spared such a battle, he should have been. And if any adults should have been able to collaborate, they should have.

Not sure how they got little Abe back the first time, but she hired someone to kidnap him from them! Then they kidnapped him from her. And she tried to get them "outed" and arrested by reporting them to the Russians. That was, no doubt, more traumatic for five year old Abraham than going with the Nanny as an infant.

After the parents won the case, Abrahams's parents ceased all contact with the Nanny, and finally the mail came back with a note she had died.

He never got to thank her for saving him, or tell her he loved her. But, his parents were able to raise him, something 1.5 million children who did did not get. And, the Nanny lost him to loving parents, not the

Nazi's bullet.

That is two perspectives. Here is a third.

This one is a bit broader.

I am learning so much by the books I mention time to time. I am still working on "A Troublesome Inheritance... by Nicholas Wade, "Natures God..." by Matthew Stewart, and "Fields of Blood.." by Karen Armstrong.

But, I also learned that last night our NASA Probe orbited around the planet formerly known as Pluto, or is it a "dwarf planet" now? The U.S. is the only country to send a probe around the Sun and all 9 "known planets".

Quite an accomplishment. It will take four hours plus for the data to get back to us. (Note: the data came back including a nice clear photo of the little guy. jbh)

**Mankind is capable of peace deals and technological triumphs. but why so many difficulties?
Here are some thoughts.**

1. So, somehow life forms, almost 4 billions years ago. It evolves. DNA comes into being. Life becomes more complex. Something called intelligence evolves. Finally, and we will never know when, but perhaps 250,000 years ago, probably earlier, a self-awareness develops in our biological ancestors.
2. Homo Erectus spreads out of Africa. Somewhere along the line, we begin burying our dead, and dusting the bodies in red ochre, and leaving jewelry and other valuables. Clearly, we believe in a afterlife.
3. 35,000-40,000 years ago, we develop sophisticated cave art, at places like Lascaux and Chavet. Realistic, artistic, signs of motion, three dimensions, and a small sculpture of a fecund female, headless, in Germany.
4. 10,000-15,000 years ago, we begin to settle down in the great river valleys of the world, virtually always where the land is large, laterally and longitudinally, because relatively narrow continents such as the America's, so small a one as Australia, or a cold one like Antarctica, cannot support the diverse life forms that permit full domestication. And, we must have domestication!

From those civilizations, come the major religions. In fact, no culture develops without the myths and gods of religion.

The major religions are intertwined with kings and governments, culture, and economics. And they have all of the flaws of humankind, greed, violence, lust, envy, rage, and stupidity. Most religions try to promote and teach empathy. All but a few promote violence.

But, here is something I did not know. **As of 1000 a.d., Jews were not hated in Europe or the Middle East.** But somehow, as Europe developed, something happened.

The idea of chivalry, honor, combat, and war grew and consumed the Franks and began to dominate Christianity in place of Jesus' love and peace. Strange since I think he was rather unambiguous on those subjects.

The Pope sought a crusade to recapture Jerusalem, which had been taken from the Jews by the Moslem. (Uh,

oh, I sense a pattern here!)

By the second Crusade, the various groups of knights "evolved" to become very violent.

Hard to think of them as more violent than Genghis Khan, but Genghis and his people eventually converted to Islam. Of course, he was the wrong kind of Islam, Shiite, so that led to more conflict, among the Moslems. On balance, it certainly seems the Sunni's are the most violent branch of Islam.

According to Karen Armstrong, the crusaders would kill 100,000 at a time, men, women, and children, and even though the Jews were caught in the middle of Christianity and Islam, they were killed by both sides.

"Rumors" had it that they had handed over their synagogues to the Moslems to facilitate their spread. The Crusaders killed them all and said, "God will sort them out."

As the economy changed from 1000-1300, Jews became marginalized. Laws were passed against their owning property, so they moved into money lending and finance. (Perhaps that's when they got so "greedy and sneaky", as perceived by those who were jealous that those who were marginalized had carved out a space for themselves. ? Prejudice is funny that way.)

Non-Jews who were being put out of work, and who didn't like the changes into a more modern society, spread rumors of great conspiracies among the Jews. They became hated and persecuted as they had not been before.

It is ironic that Jews were blamed for the changes even though they were victims of change.

As European technology allowed European countries to wage war and to colonize, something amazing happened.

The "laws of population" that Malthus identified, that increased productivity led to increased population that led back to poverty and starvation, did not work any more.

The industrial age created a graph of productivity which now seems to point straight up to the sky. Darwin read Malthus and factored that into his "theory" of Natural Selection.

What does that all mean?

It means that our technology, which was boosted by our entering "The Age of Enlightenment", "The Industrial Age", and "The Age of Information" is growing exponentially!

But that means our energy needs, our population, our environment, and even our conflicts, now have the highest stakes of all time.

If they grow too fast, they destroy the only world we have. We sure aren't ready to colonize Pluto! Or anywhere outside of our "blue and white marble".

Will we outgrow the world? Will we poison ourselves. Will we destroy ourselves with nuclear weapons.

Or will we simply fall apart as a culture, in prejudice, hatred, the diffusion of knowledge to the lowest common denominator (The Internet Age), or some combination? Maybe we will just drown in porn, video

games, and tattoos.

And, how is The Iranian Nuclear Deal going to turn out?

I will let you know as soon as I find out.

1. <http://hunterlawfirm.net/wp-content/uploads/2015/07/IranPhoto.jpg>

8.5 June

WV FAMILIES DODGE A METAPHORICAL BULLET (2015-06-28 22:05)

[1]



I refer readers to my post, "WV Supreme Court Rules People May Not Agree to Leave Each Other Alone" [2]<http://hunterlawfirm.net/wv-supreme-court-rules-people-may-not-agree-to-leave-each-other-alone/> which I wrote after I learned of a memorandum opinion in the WV Supreme Court of Appeals case of *Riffe v. Miller*, No. 14-0042.

That opinion was rescinded a short while later, without comment, "for further consideration".

Thanks to Tom O'Neill, Senator Charles S. Trump, consumer lawyer David McMahon, WV House Delegate Larry L. Rowe, and some reluctant, but committed, opponents of domestic violence in WV, my post

triggered a string of events that led to the passage of WV Code 51-2A-2a.

I told the story of "The Bill No One Heard of" in my post of April 2, 2015: [3]<http://hunterlawfirm.net/the-wv-senate-bill-430-now-a-law-that-no-one-heard-of/>

The *Riffle v. Miller* case was then presented for oral argument @ March 10 or 11 on or near the day the governor signed WV Code Sec. 51-2A-2a, "Family Court Jurisdiction to Restrict Contact Between Parties", into law.

The Supreme Court's written opinion was rendered May 13, 2015. It is the same result as the ill conceived memorandum opinion, sustaining the ruling of the Circuit Court of Harrison County which overturned the "mutual restraining order" issued by the Family Court, but with a "caveat".

This time, the baby did not go out with the bathwater. Thank God!

As Paul Harvey used to say, this is "The Rest of the Story". Justice Laughrie had to add a footnote in which he recognized our legislature had restored the power the Supreme Court had taken away.

I have learned A LOT since firing off my blog article, but my mind has not changed.

I believe the Court's opinion in *Riffle v. Miller*, without the passage of Article 51-2A-2a, would have deeply undermined WV Family Courts' ability to maintain order.

Without the ability to bar bad behavior that falls short of domestic violence, pretty soon every incident of poor behavior would begin to look like domestic violence. to its victims.

DV filings would have soared because it is the only tool the Supreme Court gave the Family Courts. This is an instant where the legislature was much wiser and pragmatic than our Court. And, it is an example that sometimes the people "in the trenches" have better insight than the ones looking down from a lofty perch.

The result? Now family courts may, on motion of a party, on its own motion, and when there is an agreement of parties, even in a domestic violence proceedings, approve an agreement of parties to leave one another alone.

Justice Margaret Workman is cited in *Riffle* for her dissent in *Pearson v. Pearson*, 488 SE2nd 414, for her criticism of "mutual restraining orders". Someday, I hope to discuss with Justice Workman my views on why "mutual protective orders", properly used, are a very, very good thing.

One point of clarification of "*Miller v. Riffle* "; in that case, the "mutual restraining order" was entered in the divorce case, first I believe as a temporary, and then a final, order, BUT, it was entered after one of the parties dropped a pending DV Petition against the other. Thus, **Justice Workman's concern that abuse victims may be disadvantaged to become a party to a "mutual restraining order" is applicable and deserves to be addressed.**

I am very careful to separate in my mind the case where the alleged "victim" will be less safe from a mutual order. And, victim's sometimes lack resolve and contact the abuser. I think a particularized "no unwanted contact" order works in the cases where I choose to use them, and a perceptive judge can issue them even for unrepresented parties. Justice Workman's reservation should be considered, but not used as a "trump card" against "mutual restraining orders".

Remember, orders are still made out of paper. They will not stop a bullet, a knife, or a fist! Imposing

an order on an unstable person can lead to the opposite result of that intended. One fellow, husband of my abuse victim client, went directly from the jail to the home where he expected to find his wife. When she wasn't there, he left a vicious note for her and blew out his tiny brain. Another fellow ended it in the garage with his engine running, again with the nasty note. These fellows had no regard for an order.

Now the family court has a broad, but clearly described, tool for the "ninety percenters", the people who are acting childishly, bullying, nasty, hurtful, and emotionally abusive, but not amounting to domestic violence.

Getting them under control, with a threat of contempt findings by the Court, or a clear order telling them that calling their partner a bitch or bastard on FB, constant texting, driving by their work, or flipping the bird is "verboden", may help calm the waters.

That's the tool the WV Supreme Court took away in Riffle v. Miller.

It is time for a great "civility movement in WV", starting with social media.

The message must be taught repeatedly that "the Golden Rule" is not misnamed. A bit of kindness, empathy, forethought, and class can trump mean-spirited, short-sightedness. Maybe we could even have a "reality show" to demonstrate that principle.

Thus, Delegate Larry Rowe's suggestion, which was implemented, permitting the courts to enter standing "be nice" orders, was a terrific idea. I am working on some "model standing orders" and will post more on this subject later. jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/BurtBest.jpg>

2. <http://hunterlawfirm.net/wv-supreme-court-rules-people-may-not-agree-to-leave-each-other-alone/>

3. <http://hunterlawfirm.net/the-wv-senate-bill-430-now-a-law-that-no-one-heard-of/>

Mr. Hunter's New Instructions to Clients Form 6-17-2015 (2015-06-17 21:48)



Burton Hunter's Proposed Instructions to New Clients 2015

[2]

IMPORTANT INSTRUCTIONS TO NEW CLIENT(S); PLEASE READ CAREFULLY AND SIGN.

Dear New Client:

1. In the course of his representation there are certain instructions Mr. Hunter and his staff routinely provide and repeat. The core of those instructions are listed here with the hope you will read them, understand them, and acknowledge your willingness to adhere to the standards of the court and Mr. Hunter's procedures, and process, in order to keep the costs of your case under control and to maximize efficiency.
2. These procedures apply whether your case is a:
 - a. Personal injury;
 - b. Civil action;
 - c. Family court matter; or
 - d. Mediation.
3. **Please consider anything you post to the Internet to be public.** Set your privacy settings to "friends only", but realize any "friend" can share or print, "snag", or take a screenshot of anything you post, and forward it to anyone they want.
4. By accepting Mr. Hunter as your representative, you are agreeing that your Internet posts will conform to reasonable standards of civility and taste, that you will post nothing on pending litigation, that if children are the subject of the litigation, no photographs of or comments about the children will be posted, and that the standard you will follow is that you will post nothing that she would not want your mother, your children, your spouse, your lawyer, or your minister to see.
5. Mr. Hunter has a carefully devised method for assisting you in organizing the facts in your case, and you are agreeing to reviewed Mr. Hunter's instructional materials and follow his methods as best you can, and, most importantly, to ask questions about things you do not understand.
6. While email is a wonderful form of communication, Mr. Hunter cannot absorb your communications unless you will keep your paragraphs short, 1 to 2 lines, numbered, and to the point.
7. To the extent you have to use more than one email, do so, but recognize that long rambling emails may contain information that is not fully absorbed.
8. Many Family Court proceedings have very strict rules of disclosure. You will be provided forms for you to summarize "caretaking functions" of your children by you, your child's other parent, and third parties, your property and debt, and other important information. You will be required to prepare complete financial affidavits and to file tax returns and earning information.
9. **AND REMEMBER**
Family Court proceedings are confidential so do not talk about them, share them, or post videos or transcripts of the hearings.
It will be **your responsibility** to "do your homework", whether it is a family court matter, civil litigation, or personal injury claim or lawsuit, for example, by getting:

Con't:

- a. Bank account information;
 - b. A duplicate of that credit card bill;
 - c. Tax returns with schedules attached;
 - d. Current pay records;
 - e. Retirement and insurance documents and policies;
 - f. E-mails, screen shots of text messages, and other digital communication.;
 - g. Digital copies of photographs, and;
 - h. All sorts of other critical information.
10. The fact you do not have it in your possession at the time it is requested is no excuse. The success of your case will be determined:
- a. By its merits, but also;
 - b. By the diligence and efficiency of your preparation and your communication with your lawyer.
11. It is absolutely critical that you tell your lawyer the truth. By this, Mr. Hunter does not mean simply answering his questions truthfully. If you have:
- a. A felony conviction;
 - b. A domestic violence petition filed against you, whether it resulted in the protective order or not;
 - c. A drunk driving conviction;
 - d. A disgusting Facebook page;
 - e. A pre-existing injury;
 - f. A psychological problem;
 - g. A drug or alcohol dependency;
 - h. Or any other fact that you know in your gut Mr. Hunter needs to know,
 - i.
- You must tell him! In other words, Mr. Hunter hates surprises!
12. **By signing this document, you are certifying that you have read and understood each of these instructions and will abide by them.**
If any of them seem unreasonable, or you do not understand them, please speak with a staff member or with Mr. Hunter before signing.

Client Signature

Date

1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/BurtBest.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2015/06/Page1Ltclnts.jpg>
3. <http://hunterlawfirm.net/wp-content/uploads/2015/06/Page2Ltclnts.jpg>

Family Court Standing Order Project. (2015-06-16 18:34)

This will be short and sweet. Just an update on my efforts to improve the administration of justice in family law cases in WV.

WV Code 51-2A-2a, permits family courts, among other things, issue a "standing order" requiring divorcing parties to behave themselves (on Facebook, while texting, on the phone, while being near the other party's place of employment, and otherwise), so I have decided to take a stab at a good "standing order".

Most judges issue a standing order requiring parties not to sell any assets, to attend divorcing parents' class, to file sworn financial information, etc

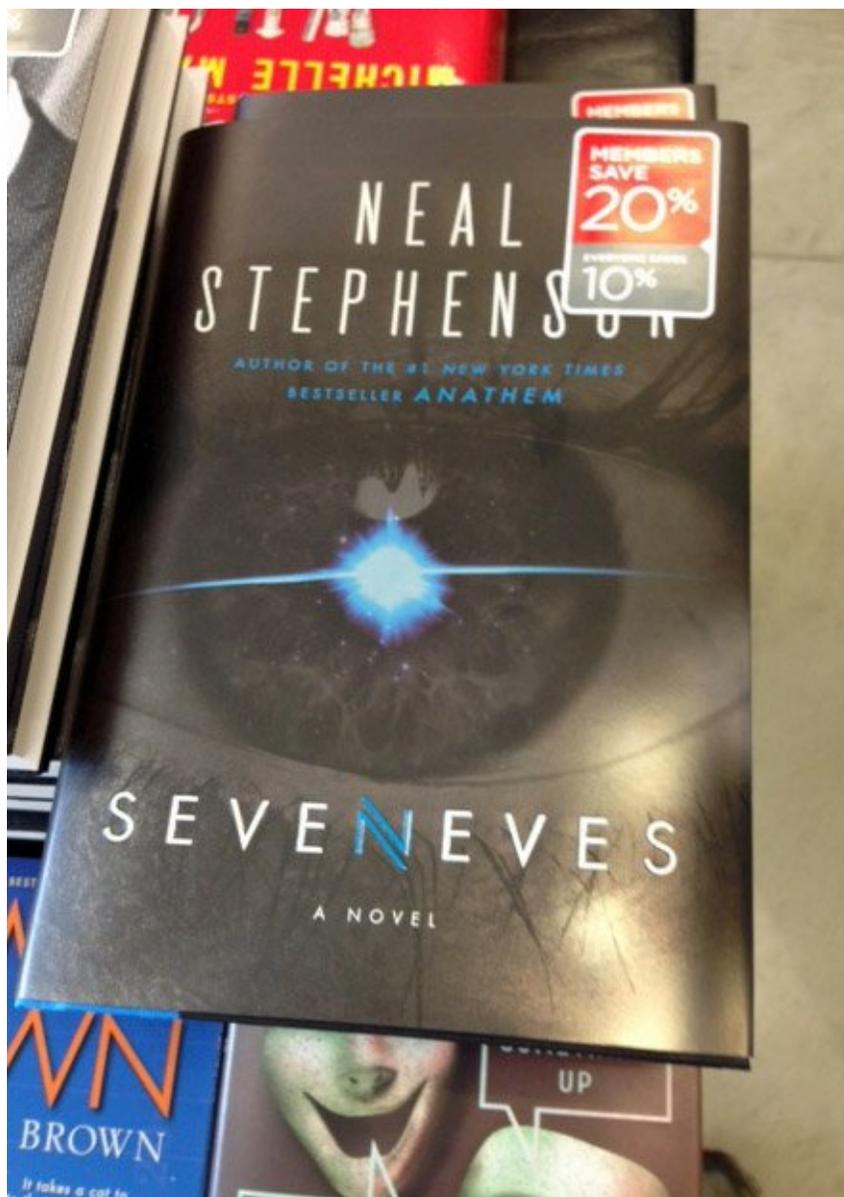
Our intern Rachel spoke to someone at each of West Virginia's 45 family courts and got the majority to agree we could have copies of their standing orders. So far only 10-12 did so, but some with multiple orders.

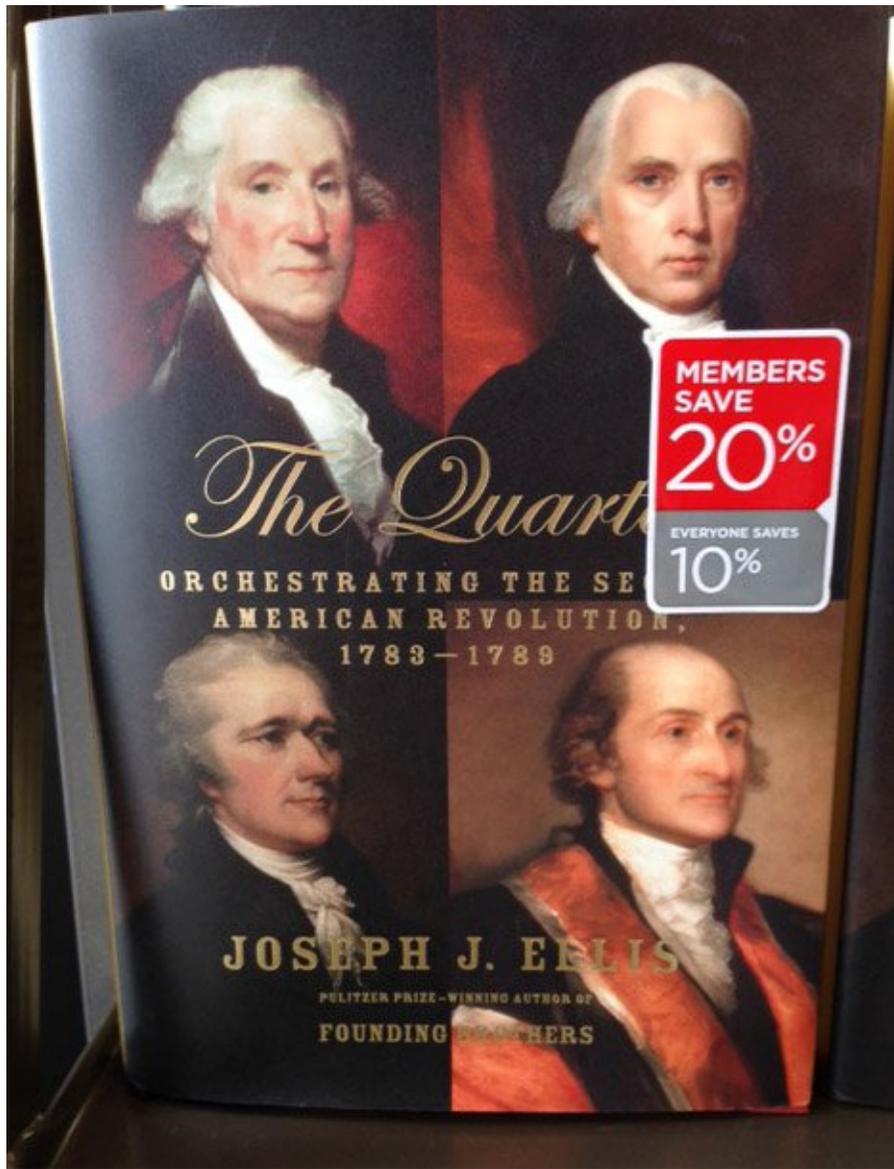
My job now is to cobble together the best provisions of several orders into one or more orders that will include the newly authorized "be nice" language. I intend to send my propose standing order(s) to the Family Court Judges I practice before, and to the President of the WV Family Court Judicial Association.

If any of my friends or colleagues have suggested language, ideas, or questions as I embark on this project, I will appreciate hearing from you.

Burt Hunter

The Times Are Changin' (2015-06-07 03:01)





Just another sign that the times are changing. I have plenty of books. But today my wife needed to stop at Pier One to search for her drapes. She dropped me off at the book store.

I walked in, looking only for a magazine, I swear! I already own a 4 star biography of Madison. It is three back in my queue. So, no need to buy *The Quartet*. I sent the photo of the cover to my Jefferson lover friends, Joe and David, as he wasn't included in *The Quartet*.

BUT, ***Sevneves*** by Neal Stephenson is different. A modern (as opposed to classic) science fiction "end of the world" novel. I picked it up. It is \$35! Even with 10 % discount, too much! Who could resist? So, I photographed the cover and looked it up in Amazon. \$15.95.

Soon I owned, it via a "one click order" to my Kindle. Turns out it was two clicks, as I was given the option for \$3.95 to have unabridged audio-narration. Ten minutes later we are listening to a riveting story, beginning with the explosion of the earth's moon! I won't spoil it with any more detail, but it was a quick two hour drive home.

I stayed awake and alert. On the way to our destination, it was a streamed T.E.D. talk podcast on the importance of oral histories, and Diane Rheem, CNN, and sports on Sirius Radio. Not one minute was commercial radio, which I am snobbish enough to say is a cultural wasteland. It won't be long since we won't need "real-time" radio except for news and sports.

Is Nancy (my wife) pleased with this development? I hope so. You can ask her. We try to collaborate and negotiate our listening and viewing habits, although science fiction is a stretch. I am glad I found *Insterstellar*. Now I have found an author in the tradition of the classic authors, with "cyber" insights.

Of course, I also have The Teaching Company, Lynda.com, and Udemy.com courses and YouTube tutorials. The knowledge and the wisdom of the world is instantly available! Google, Wikipedia, Siri, Garmin Girl., technology, literature, philosophy, history, biography, science and.....there are still 30 books on the bedside tab. So much to learn, and so little time! jbh

Howard Nations (2015-06-04 15:40)

[1]



I am a fan of legendary trial lawyer Howard Nations' seminars. Here are his invaluable "Nations Law Links": [2]<http://www.nationslawlinks.com>

1. <http://hunterlawfirm.net/wp-content/uploads/2015/06/HowardNations.06.04.20151.jpg>

2. <http://www.nationslawlinks.com/>

8.6 May

If I Were Tasked With Saving The Life of the Boston Bomber (2015-05-19 21:06)

[1]



I have tried a murder trial for the defense. It lasted almost two weeks. I will never try another, and I would not have defended Dzholkhar Tsarnaev under any circumstances, for a variety of reasons.

But, what if I had set aside more than a year of my professional career for one case, and what if my sole responsibility was to save "The Boston Bomber's" life? Before I took the job, there would still be certain mandatory conditions. He would have to:

1. Commit to me that even with all the martyr talk, he really, really wanted to stay alive;

2. He would have to answer yes that he believed himself to be a good person. If he refused, that would be a "deal breaker".
3. He would have to agree to spend most waking hours for a year with me in the quest to obtain the equivalent of a four year liberal arts bachelor's degree.
4. He would have to accept the challenge that I was going to seek out with him, and share, the body of the wisdom of mankind, and he would have to agree to consider it, along with what he had been taught about Islam and America, in considering some views that are contrary to his.
5. I would seek out at least 100 of the most brilliant people in their fields and expose my client to each one for a full day. That would take up nearly 1/3 of the available time.
6. After consulting with 1/2 dozen of the most brilliant scholars and scientists in the world, I would require him to read what I wanted him to read, and view what I wanted him to view for another 1/3 of the time. I, of course, would read and watch the same things.
7. The rest of the time, we would discuss and debate. Perhaps he would talk me into becoming a terrorist. I doubt it.
8. Of course, in preparing him for trial, I would make sure that he knew if he wanted to die, he should act exactly as his lawyers allowed him to act during the actual trial, but, with luck, he would have been along on my plans for him to have evolved from "the bestial" world he came from to her own personal "age of enlightenment".
9. I would have much to learn, of course, about his country of origin, the process that got him radicalized, and the things he was taught that caused him to hate us so much.
10. I would give him NO propaganda. The whole approach would be to give him the soundest, sanest, most rational information available, about the natural history of our planet, the creation and evolution of life, about anthropology, biology, astronomy, philosophy and mathematics. I certainly would not try to convert him to Christianity or any religion, but to find his own path to rationality.
11. He would read the biographies of the greatest people in reported history.
12. He would learn why Western Culture flourished and his peoples' culture languished.
13. Then I would have him testify. If he had been misguided in his acts, I think he would have a chance, but apologizing, explaining the dark and ignorance world he came from, and promising to live a life committed to rationality and compassion.
14. He would explain to the jury what he had learned. He would explain what he had been taught before and what he was thinking when he made and planted that bomb.
15. My guess is he is the vicious killer we believe him to be and not the misguided young man the defense portrayed him. So, he would fail.
16. But, if he had become enlightened, He would express profound sorrow, and he would apologize and state that he wishes nothing more than to be able to undo the wrongs he committed.

17. He would reject radical Islam, and all superstition based religion, and he would promise that he would follow any path available to him to make amends.
18. He would speak directly to the people he once identified with and tell them they are on the wrong path. He would tell them why.
19. In light of this conversion, they, of course, would be honor bound to kill him on sight.
20. He would pledge to be a pacifist for life, and, knowing that he was headed to a Super Max prison, he would say that even if he were permitted to walk free, he would never again be a Moslem, and certainly not a radical. He would ask permission to continue to grow and to learn, into a full human being.
21. The jury would have to decide first whether to believe him, and then to determine if there had been redemption.
22. Then they would decide his fate, and I think they would spare him.
23. It was his lack of remorse and redemption that did him in. Now, let's give him a week to appeal, decide the week following that, and end this thing the week after that. He and his team decided how to how to approach this case. They should not have the next 20 years to try to undo the results.
24. I think if the jury believed that he had studied and learned how wrong his actions were and regretted them deeply, they would be more inclined to spare him. But, not one asked me, and he would have rejected my guidance if they had.

Jbh

1. http://hunterlawfirm.net/wp-content/uploads/2015/04/WV_State_Bar_Burton_Hunter.jpg

The Wonderful World of Podcasting (2015-05-15 18:42)

[1]



I recently posted about the many wonderful features of the organizing app Evernote. That's an app that permits you to collect text, website urls, screenshots, photos, videos, audio-files, and graphics into notes, folders, and "tag words".

Evernote grants you access to these digital materials across "multiple platforms". In my case, it means my Dell Latitude Laptop, iPad, iPhone, and Microsoft Surface Pro 3. I have been playing with it, in conjunction with the "to do list" app, Wunderlist, and cloud storage, DropBox. I can see "my stuff" from all my devices. Cool!

One feature of Evernote is a "poor man's podcast", or an audiofile that can be imbedded into a note and posted online, so your Facebook, Linked In, Twitter, or Google + fans, or just people you e-mail, can double click and listen to your message.

Think they will listen to our "t.v. commercial" on what a great lawyer you are, or how y ou will recover "big money" for their "rear end"? Think again. The content will need to be lively and informative to be heard.

Now to my subject, Podcasts. We all see the folks jogging with ear-buds or power-walking. I assumed they were listening to their favorite tunes, and most probably are, but many may be listening to podcasts.

For example, our recent MBA grad daughter suggested we listen to the podcast series, "Serial", and we did. It was a cold case investigation by a Baltimore reporter of a Baltimore murder, at least 15 years old.

The victim was a 17 year old female high school student, and the defendant was her boyfriend.

He is still in prison, and his conversations with the Baltimore Reporter were heavily featured.

And it was free! Unless you count the \$1000 the iPad costs, the \$2000 for the fully equipped Surface, the \$800 iPad, or the \$150/month phone data service! Yep, FREE!

Serial started a bit slow, became riveting, and ended, for me at least, a bit disappointingly, BUT we listened to 12 hours of on demand radio that was "sourced "in the cloud".

Recently, I listened to podcasts on marketing for small firm lawyers, technology, and a little story of the confessions of a voyeuristic married women. It is called, "Imaginary World":
[2]<http://www.imaginaryworldspodcast.org/>

I PREDICT, that soon we will be listening of podcasts of what we want, when we want, just as I intend to do with a www.Lynda.com course on the Surface Pro 3 tablet computer.

Below is my Facebook post of this afternoon describing 20 minutes I spent listening to "Imaginary Worlds", a science, science fiction, fantasy themed podcast series:

With apologies to my "Dragon app", I was just blown away by this radio show. During 20 minutes, I learned that Freud was not gay but his primary attraction was to lesbians. where else are you going to learn that?

I learned there is a scientific movement called trans humanism in which scientists attempt to figure out ways that we can genetically mutate and involve

ourselves. I was reminded by the producer of the great Arthur C Clarke science-fiction novel, "Childhood's End", in which aliens brought us a utopia by suppressing all violence, aggression, and efforts to change, by human beings, and when we finally reached it, we became electronic orbs that were sucked out into space and floated away.

In other words, if we ever really get an a utopia, creativity and change will be gone and so will we.

I learned that there once was a French fellow named Fournier who took a group of socialists to a small town in Texas to form a perfect commune, and then, because they were so well-educated, they were terrific pioneers and eventually they got bored and kicked Fournier out and became Dallas Texas!

Again, who knew?

I learned that one of the sources of the trans humanism movement was that same Fournier who believed that we were quickly going to evolve past societies institutions to something better, including growing tails, with eyeballs at the end of our tails.

I have read "Childhood's End", and that part the podcast was accurate, so I have no reason to believe that any of this is made up.

I enjoyed it immensely and intend to add it to my podcast list. Our "big vacation" around the country in

2016 no doubt will be filled with interesting podcasts, on science, space, technology, drama, and self education.

I suggest you buy the iTunes podcast app, and "happy podcasting"!

1. http://hunterlawfirm.net/wp-content/uploads/2015/04/Blog2IMG_6987.jpg

2. <http://www.imaginaryworldspodcast.org/>

The Chinese Curse: "May You Have a Mild Closed Head Injury" - And What if it Happens to You? (2015-05-01 21:54)

[1]



"Mild Closed Head Injury" It sounds pretty benign, as does the classic "Chinese curse", "May you live in 'interesting times' ".

But, what is a "mild closed head injury"? Sadly, it can be a life changing event leading to permanent impairment, job loss, fractured relationships, depression, and even suicide.

As I write this, Baltimore police officers have been arrested for the death of Freddie Grey. Lost in the hub-bub was the officer who was hit by a rock thrown by a rioter who was "unresponsive". The next day, the police spokesman was asked how the officer was, and the response was, "He was unconscious for awhile, but he is conscience and doing much better."

We may never hear from him again. It is likely his diagnosis is "concussion syndrome" and mild closed head injury. We have been hearing a lot about the serious consequences for pro athletes who suffer repeated concussions on the field. That makes sense, several serious blows to the head so that "Iron Mike" Webster of the Pittsburgh Steelers eventually became totally incapacitated and died,[2] http://en.wikipedia.org/wiki/Mike_Webster. And, there is Teddy Bruschi, [3]http://en.wikipedia.org/wiki/Tedy_Bruschi, and so many others.

But, what about a person who was in just one auto accident, perhaps a rear-ender without an apparent strong impact with a solid object? The truth is that a closed head injury can occur with not strong impact direct , as a head is whipped back and forth; thus "whiplash". At first there are headaches, nausea, confusion, short term memory lost, sleeplessness, nightmares, and anxiety.

"But he'll be OK, right?" Not necessarily, and perhaps not without expensive and sophisticated diagnosis and treatment.

Once, a client of mine took a glancing blow from a large object that fell off of a trailer. He awoke and was embarrassed to see a circle of heads above him. He apologized that he had been "standing in the wrong place", which he had not, and may even have declined medical treatment. The eventual monetary settlement took a long time and much work But, even with financial relief, he eventually took his own life, with a handgun.

Another client, upon receiving a large check, thanked us profusely, but voiced his opinion that it was the specialized treatment and evaluation we had obtained for him that had restored his life. Money was secondary to being relieved of the agony of short-term memory loss, lack of focus and concentration, and an unhappy and worried wife. This man had been a leader of men and a skilled worker. He kept his job, but his productivity dropped nearly in half. He was just happy to get back to "near normal". The level of professionalism of the firm I found to associate with was superlative.

These are the people who our former President George W. Bush called malingerers, and their claims "junk lawsuits". If you agree with him for this kind of injury, pray, pray, that you never get to learn how wrong you are. Living it is hell.

So, if you or a family member or friend is injured by the fault of another, and just cannot seem to bounce back, or better yet, before you get to that stage, talk to an experienced lawyer and let him or her help you put together a plan for legal, medical, and personal rejuvenation.

Remember, unless the other party has large insurance limits, or you have protected yourself with under-insured coverage and/or a "personal umbrella", there may be little or nothing to recover. Here is what I recently said about that:[4] <http://hunterlawfirm.net/what-you-do-not-know-about-insurance-and-social-security-can-hurt-you/>

Do I do these cases by myself? Nope: these cases need \$30,000 - \$100,000 of out-of-pocket investment by the lawyers, and 30 years in the WVAJ (Trial Lawyers) has taught me which WV firms do the best for such clients. I associate with one of them, for no greater fee than if the clients hired only one firm. So, the client has the benefit of local and "big city" trial counsel, and a chance, a chance, for a fresh start and renewed life.

So, hope for an injury free future, but call if you need us. jbh

1. http://hunterlawfirm.net/wp-content/uploads/2015/04/WV_State_Bar_Burton_Hunter.jpg
2. http://en.wikipedia.org/wiki/Mike_Webster
3. http://en.wikipedia.org/wiki/Tedy_Bruschi
4. <http://hunterlawfirm.net/what-you-do-not-know-about-insurance-and-social-security-can-hurt-you/>

8.7 April

WHAT YOU DO NOT KNOW (ABOUT INSURANCE AND SOCIAL SECURITY) CAN HURT YOU! (2015-04-28 12:30)



Two very important reminders in a sea of chatter and ignorance:

- 1. Your insurance protection;**
- 2. Your Social Security benefits.**

These two tips can save you \$50,000 in four years, and lifetime financial ruin. ...

I have posted before about the need of a person of any means, but especially someone who has accumulated some wealth to have a "Personal Umbrella" of \$1,000,000 in coverage at least over and above your other policies.

AND, it is critical, with so many drivers having little if any personal injury liability coverage, that your UNINSURED COVERAGE and UNDERINSURED coverage be part of that umbrella. [2]<http://hunterlawfirm.net/buy-a-1000000-umbrella/>.

Here's an example. You are hit head on by someone with \$20,000 per person and \$40,000 per occurrence. You and your spouse are hospitalized for a month, and one of you needs major surgery. Your small business or professional practice is ready to go under, and that "disability plan" you bought isn't going to be enough.

With the coverage I recommend, that guy that hit you now has \$1,500,000.00 in liability coverage, and your

business and financial future is preserved!

3. And, I am not an "Elder Law Lawyer", but here is something we learned from personal experience. Let's say that you and your spouse, as Nancy and I are, are planning to wait until age 70, so we get full retirement benefits. Only 2 % of people do, but it means 30 % more per year. Do the math.

4. So you wait, right? NO!!!!!!!!!!!!!!!!!!!!!!

5. The one who earned more should apply immediately, and then suspend receipt of benefits. Why?

6. Because now your spouse can apply for over \$1000/yr. dependent spouse benefits, and not lose a penny in her own benefits. That's \$15,000/yr. times four years or \$60,000 that you would otherwise waive by waiting. What you don't know CAN hurt you. jbh

1. http://hunterlawfirm.net/wp-content/uploads/2015/04/WV_State_Bar_Burton_Hunter.jpg

2. [http://hunterlawfirm.net/buy-a-1000000-umbrella/.](http://hunterlawfirm.net/buy-a-1000000-umbrella/)

A Proposal on Behalf of New and Small Firm WV Lawyers - A Turnkey Office Technology System (2015-04-22 23:51)

[1]



Burt's Office: A Study in Transitional Technology

This is an idea I got it as a result of attending my first West Virginia State Bar annual meeting as a board member.

I was amazed at how few people in attendance that I knew, but I was pleased to see a large number of young lawyers.

So many small firm lawyers live an isolated existence, largely unaware of professional organizations such as the WV State Bar, West Virginia Association for Justice, West Virginia Bar Association, The American Association for Justice, or the American Bar Association. They feel they cannot afford them, or do not need them. That's not my topic for today, but that attitude is wrong.

Unless they are "tech nerds", the new, small, and isolated are going to have a lot of challenges in starting an office in a small town. From my experience, law schools do not train in business and accounting, and are not that "tech savvy." If they are teaching it, their grads do not show it.

I am sure there are exceptions, and, at the least, they are comfortable with Internet legal research, since the "big law book companies" died or merged into online services more than a decade ago.

[2]

**WEST
VIRGINIA
PRACTICE
HANDBOOK**

Fifth Edition

**THE WEST
VIRGINIA
STATE BAR**
Young Lawyers Section

**Volume 1
2000**

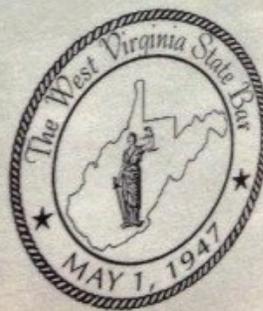


**WEST
VIRGINIA
PRACTICE
HANDBOOK**

Fifth Edition

**THE WEST
VIRGINIA
STATE BAR**
Young Lawyers Section

**Volume 2
2000**



REGULATIONS

**WEST
VIRGINIA**



When I returned from four years in the United States Air Force JAG Corps, I was pleased to learn of a two-volume set called The West Virginia Practice Handbook .

It was two large, three ring, volumes with approximately 100 tabbed subjects, each written by an experienced West Virginia practitioner. Whether it was guardianship, eminent domain, a right away or easement dispute, drunk driving, or a juvenile case, there were checklists and forms and narrative content. I clung to it like a baby to its blanket. I own the latest edition, published in the year 2000. There is a dire need for a revised edition, but that's big task, also a discussion for another day.

A more manageable project, at least from my perspective, also derives from the fact that many young lawyers have trouble finding jobs, so they decide to return to his or her hometown, "hang out a shingle", and make a living. I once wrote a blog article for a young lawyer just opening her practice in Buckhannon. It is a bit outdated, but here are my ideas: [3]<http://hunterlawfirm.net/hanging-out-your-shingle-not-for-the-faint-of-heart/>

I have observed that model, which includes heavy reliance upon the "court-appointed system". Lawyers who take on court appointments, for criminal defense, juvenile delinquency and abuse and neglect, and guardians ad litem are called "panel lawyers". Guardians ad litem represent people who are under a "legal disability" because of infancy, military status, or incarceration. Panel lawyers get paid less than half of "the going private rate" for lawyers.

There are several solid barriers to the "hang out your shingle" model:

- a. The court appointed rates (\$ 65 - \$85/hr.) are too low for the lawyer to pay qualified staff;
- b. The WV Public Defender's Office often runs short of funds, so the lawyers "starve" while awaiting a new fiscal year or allocation;
- c. There is always a chance a Public Defenders' office will open to serve that county;
- d. There is a tension between county Public Defenders' Offices, of which there are now 18, and the "panel lawyers", and there is disagreement over which group is more effective and efficient;
- e. There is great pressure to replace the panel lawyers with paid (overworked - stretched too thin?) public defenders. The argument is they are 20 % cheaper to the State. Hmmm? And;

I was both shocked, to learn how much abuse of the system had taken place by approximately 800 "super-billers", and pleased, to learn of the efforts made to clean up that abuse. Some lawyers had billed 2-3 times full time hours! But I digress.

I agree with senior attorney Dan Callahan of Summersville, who wrote last year in WV Lawyer magazine article that young lawyers should endeavor to work under the supervision and guidance of an established attorney.

Truth is, those "established" lawyers are often struggling somewhat too, cannot really afford to guarantee substantial salaries, and, if they have an experience similar to mine, have invested in a young attorney only to find him leaving for a job such as the Public Defender's Office! I have "been there, don't that, and won't be repeating my mistakes. Small town lawyers, even established ones, are also rather "technology challenged".

So, what is my idea already!?

I believe that the Young Lawyers' Section of the West Virginia State Bar and WVU College of Law Continuing Education Office should collaborate for the benefit of the sole and small firm "newby" lawyers by defining, pricing, and finding vendors for, several levels of "turnkey" office technology systems.

I consider law office technology and social media marketing to be my hobbies/avocations and an essential part of my practice. Thus, I can put 25 % of my efforts into that direction and have it be the equivalent of a good game of golf.

Most people do not have the time or inclination for that level of effort, but everyone likes a good tool, as a golfer loves his favorite putter, but he wouldn't want to build it.

I think there should be available to an attorney who wants to get established, the specifications and cost of an entire office technology management system.

That would include, at a minimum, a multifunction copier/printer/scanner, telephone system, primary computer, a tablet computer such as the new Microsoft Surface Pro 3 or iPad, with separate horizontal and vertical, or portrait, monitors, a smart phone, a small sheet feeding scanner, a software office suite such as Microsoft Office Pro or Google docs, a "practice management system, and, for now, a laptop with docking station.

Yes, even if one has a Surface Pro 3 or Dell Latitude Laptop , I think they need an iPad or Samsung Galaxy, a smart phone, and a practice management software package.

Sadly, for someone like myself, with nearly 40 years' worth of paper files and data, the cost of establishing a practice management suite is cost prohibitive. But, it should be possible for someone just starting out, or with less than a year of practice, to purchase the software train, and begin entering the new data, as part of an integrated system.

A "turnkey system" would need to offer two or three days of training. An attorney needs to know how to operate the spreadsheet, a basic database program, calendaring, task list, contacts, publishing and presentation software. These are tools college should provide, and if lacking, the lawyer needs to get some intense training. He/she will use these tools for life.

My system will also include an organizational tools such as Evernote or Microsoft One Note. The Lexis/Nexis CaseMap suite, from Casesoft, is excellent but probably too expensive for a small firm. And do not forget the "document assembly" software Pathagoras (www.Pathagoras.com) for systematized document assembly!

A turnkey system would already have selected for the purchaser cloud-based storage system such as SkyDrive, DropBox, Google Drive, iCloud, or WorldDox. Potential purchasers must be able to communicate with the vendors through initial contact with member of the "Young Lawyers' Turnkey Office Technology System Committee" in order to get a guaranteed discount and financing options.

They would fill out a detailed questionnaire regarding location of their office, size of their office, practice areas of interest, size of his or her staff, number of attorneys, etc. The detail will be necessary for the lawyer who will need a small business loan in most cases.

I have used local and remote experts in maintaining my computer network. Companies come and go.

Constant changes in technology require that this committee be a permanent committee aggressively

keeping track of new technology and regularly revising the "turnkey packages". The big question is whether one vendor to provide this or whether it would be several. It probably should several vendors having the opportunity to compete. WV law firms such as The Duffield Law Firm in Huntington and many others will have invaluable insights in putting this project together. Vendors could even submit bids.

The key to such a the package would be "the details". A "turnkey system" needs to have to have email addresses, passwords, protocols, support arrangement, and all the software installed. Criteria for file creation and management has to be standardized.

Any attorney purchasing a "turnkey system" will have to have a realistic idea of how soon various components will have to be replaced or revised. The basic software suite for litigation management of case management should be a well-established company, not likely to disappear. The hardware itself should have robust specifications with the hope the equipment will last at least five, perhaps seven, years.

Here is the system I presently have:

- a. A Windows Seven, five-year-old Dell Latitude laptop. It is my last laptop.
- b. A Microsoft Surface Pro 3 with a 12 inch screen and a vertical monitor and horizontal monitor so that I can read an entire document and horizontals screen for calendaring, email, The Internet, etc.
- c. An iPad,. Many people will find an iPad mini to be just fine.
- d. An iPhone 5, a Fujitsu ScanSnap scanner, a Toshiba Studio e3500 conventional copier, scanner, fax. That will be my last one. There is no need for a sole practitioner to own a \$30,000 monster like that, although it will be hard to wean myself away.
- e. Microsoft Office Professional, Word, Outlook, Excel (spreadsheet), Access (Database), Publisher (publishing), and PowerPoint (presentation).
- f. I use DropBox for my cloud storage, which allows me to access large documents from any device.

I pay a local vendor \$25/month for cloud back up storage, with new data backed up every night.

I find the Microsoft Office Pro Outlook "tasklist" to be cumbersome, so I am presently using a multi device product called Wunderlist. Wunderlist also saves to the cloud and is keyed to an excellent system described by author of " **Getting Things Done: The Art of Stress Free Productivity** ". There are many tutorials on YouTube covering the features of Wunderlist. Google

Related to Wunderlist is the information management app "**Evernote**" which likewise is accessible by every device. All of these products are "cloud based" so you have access from anywhere and from any device.

I use a Kindle Paperwhite for my personal e- reading. My recreational and avocational reading is now equally divided between "real books" and e-books"

As for "practice management" software, mine has accumulated over the decades. A new lawyer should not try to "invent the wheel" and should let the vender set her up with an integrated system.

We use QuickBooks Pro for our accounting, payroll, and taxes,

Microsoft Outlook for contacts calendar and tasks, and separate proprietary databases for our personal injury practice and another for our client data and billing. They are not systems I can sell or give away, nor can I give them up, because replacing them will be cost prohibitive.

That is why every young attorney should get fully established in a long term, full-featured, practice management software application at the beginning. Even if he/she later switches, the transfer of data will be much easier than with mine.

IN SUMMARY, the young attorney who is coming out of law school, hoping to "hang out a shingle" or form in association with another young attorney, should not have to "invent the wheel" relative to the basic office management technology. He should have a path to a "fighting chance" to make a living in our small and medium sized towns and cities.

The State Bar, and our state law school, and the West Virginia continuing legal education, should be able to collaborate in a way to provide simple answers for a fair price. I forgot to mention, if any vendor signing onto this program should be willing to offer a significant, perhaps 10 %, discount to anyone making application in accordance with their specifications.

1. http://hunterlawfirm.net/wp-content/uploads/2015/04/Blog2IMG_6987.jpg
2. http://hunterlawfirm.net/wp-content/uploads/2015/04/Blog1.IMG_6986.jpg
3. <http://hunterlawfirm.net/hanging-out-your-shingle-not-for-the-faint-of-heart/>

I. The Law of Families in WV - Some Very Preliminary Thoughts (2015-04-13 19:59)

[1]



Some Preliminary Thoughts on Human, Religious, and Political Conflict,

and the

Application of Those Thoughts to Familial Conflict and Family Laws in WV.

I have had time to savor the fact that I got to play a part in the protection of women, children, men, and families of WV with the final passage, and signature by the Governor, of former Senate Bill 430. I call it the "Family Court No Unwanted Contact Restraining Order Act". I refer you to my last post on how that bill became law.

"Protect" can mean many things. It can mean that abusive behavior that falls below the "domestic violence standard" can be prevented before it becomes domestic violence.

It can mean that a person "on the edge" of physical or emotional collapse will not collapse because of incessant calls, e-mails, text, or contact.

It can mean that a person can gain enough "space" to begin to gather her/his thoughts and move forward with their lives.

It may mean that children of conflicted parties will hear less criticism and invective hurled against a parent that they love.

Or perhaps a child won't "learn" the wrong, disrespectful, way to treat a partner, and will treat their own adult partners better.

Why, if better behavior became "the norm", there might even be more reconciliations and greater integrity within families.

And, peace among families may actually influence other elements of our culture.

I have been reading a lot of history, lately and for many years. But now, my history and science reading has moved to 70 %, with politics and fiction perhaps 30 %. Perhaps near the end of my life it will be only "serious stuff" or just "the funny pages". Our tastes and interests change over time.

I am reading two excellent, related, books concurrently. They are, "Fields of Blood - Religion and the History of Violence" by Karen Armstrong, and "A Troublesome Inheritance - Genes, Race, and Human History", by Nicholas Wade.

The authors agree on one thing. Mankind "evolved". It is a scientific certainty that life on earth has been evolving for 3.8 billion years. That is an inconceivable span.

Just the "blink of an eye" ago, 1627, the Calvinist Bishop James Ussher was calculating the beginning of the world, and therefore, I assume, Mankind, at 6:00 p.m. October 22, 4004 B.C.

[2]http://en.m.wikipedia.org/wiki/James_Ussher

Our learning from then to now is vast, but **we modern and civilized people are still "babies" on the evolutionary scale.**

I got a kick out of an recent article on the Internet referring to "cave men 80 million years ago". That's a few years off. My recollection is that hominids made it to an upright stance 6-8 million years ago, when the great apes divided into 3-4 branches, and "we" came out of Africa perhaps 250,000 years ago, as Homo Erectus, carrying his primary tool, the hand axe. That was our tool of choice for 700,000 years!

But, let's get to the point. Cave art and small clay and bone and stone figures have been found 35,000-45,000 years old. That's around the time that Cro-Magnon Man out-competed the Neanderthals, who are now relegated to books, movies, and GEICO ads. They are the traditional "cave men".

We, Homo Erectus, Neanderthals and Homo Sapiens Sapiens, were nomads for virtually all of human history, owning little property, with family and clan sized groups, and no dictators or kings, or organized religion. The supernatural lived everywhere, and there were myriad gods and spirits. And wealth, for the able-bodied, was relatively equal.

Apparently the search for "answers" to our human existence, condition, and future, is universal, and the tendency of mankind to "invent" stories, myths, and gods, too.

Perhaps 10,000 years ago, some of us transitioned from nomad life to farming. Farming led to surpluses and to people staying in one place. That led to classes, to peasants, priests, entrepreneurs, and to kings. That led to small groups controlling large groups of people who were confined to drudgery and poverty so the elite could have wealth and power.

The concentration of wealth provided resources, and manpower, to build statues, shrines, tombs, churches, and art! Think of the Egyptians and their 3000+ year civilization. An argument can be made that such development was essential to mankind's development. How else could we have a Michelangelo, or Picasso, or a Newton, Galileo, or Einstein? But it meant a pretty miserable existence for the masses.

What does that have to do with family court and modernity? Apparently, warfare and violence, and domination of men over women, were the standard for our first 6,000,000 years or so, and once that "civilization" began, so did serious warfare, well-armed armies, and mass death and destruction.

The accumulation of wealth meant the leaders could create and arm armies. The Egyptians, according to Prof. Bob Briar, of The Learning Company's course in Egyptian History and the University of Long Island, prepared year after year, and sallied forth to conquer, pillage, and bring slaves back to Egypt. The younger and more warlike the Pharaoh was, the greater Egypt became. Eighty year old Pharaohs led to stagnation and to disintegration at home.

So, also, according to Karen Armstrong, did the "Aryans" who moved into northwestern India and headed south. Winter was a time of peace, but only so as to gird for war.

They would go out in the spring, also year after year, to conquer and pillage their neighbors. They con-

sidered it part of the natural order, and they treated it almost as a religious ritual.

Since political power led to wealth, the priestly class and the warrior class, collaborated in this bloody system. There were instances of multiple generations of kings in India giving up power by being assassinated by their sons. Violence and deception and ruthlessness were at a premium.

Then, perhaps 3000 years ago (an eye blink in the history of mankind), some strange things began to happen. As people "evolved" to learn to collaborate and cooperate, a very few, called Jains and Buddhists in India, and Christians in the Middle east, and Confucians in China, and Stoics in Rome and Greece, began to promote peace, order, respect, empathy, and non-violence.

Even today, "turn the other cheek" is a very difficult standard to adhere to. The Jains were taught to kill nothing, and even to walk so as not to step on an insect or destroy a blade of grass. Buddhist monks lives solely for prayer, contemplation, dharma, salvation, karma, and a life without greed or want. (I am summarizing a bit as I cover all of human history in a couple of pages!)

Stoics such as Roman Emperor Marcus Aurelius counseled patience, moderation of mood, contemplation, study, and acceptance.

In his book, Nicholas Wade relies on many sources to make the case for an actual physiological evolution of groups and culture. Having read "The Beak of the Finch", A Story of Evolution in Our Time, by Jonathan Weiner, which discusses the remarkably fast evolution of Galapagos Island Finches, I am inclined to accept the idea of significant human and cultural evolution in the last 40,000 years.

Even the changes in the WV White Tailed Deer population support the idea of rapid evolution, as our law requires the killing of the largest and the fittest males. Therefore, evolution is a constant.

Wade points out that generations average 25 years. So, 500 years equals 20 generations and 10,000 years equal 400 generations. He thinks this is enough to explain why violence has diminished and wealth increased in the civilizations that have "evolved" past "tribalism".

He takes some shots at another of my favorite authors, Jared Diamond (Guns, Germs, and Steel, The Third Chimpanzee, and Collapse) who seems to be fearful of admitting that genetics influences culture.

I enjoy absorbing these ideas of learned people and forming my own opinions. Wade raises valid and difficult questions as to why certain groups, Chinese, Japanese, and Europeans, significantly (by a tiny percentage as individuals, but by a wide margin as groups) outperform other groups such as blacks, south Asians, and Aborigines. Again, I grossly summarize.

Whether it is culture, genetics, geography, or a combination, we clearly are at a stage of great flux, where our technology is "evolving" us faster than our bodies and culture can adapt. The "tribal" cultures are angry, frustrated, violent and dangerous.

Political groups in the US, on the left and right, resort to a "tribal" response to the violence and terrorism. In fact, they seem to be a regression to tribalism that is contrary to the insights our founding fathers had in creating our political system of "checks and balances".

So, how does that connect us to the subject I sat down to write about, ideas for the application, renovation, and reformation of the law for the families of WV? I think I shall get to that in my next post. :)

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>
2. http://en.m.wikipedia.org/wiki/James_Ussher

WV Senate Bill 430 - The Law That No One Heard Of (2015-04-02 18:58)

[1]



A Family Court Room

WV Senate Bill (430), The Law That No One Heard Of

Ok; I admit this blog article will not have a large readership, and it will take some work getting through it. Then why bother? Here's why.

1. I have been authorized to give you a bit of "inside information" about how a very important, but nearly invisible, bill worked its way through the WV Legislature, with unanimous favorable votes at every stage. It has been signed by the Governor and has been the law in WV since March 15, 2015. And you have not heard of it.
2. It allows me to point out some severe flaws and inconsistencies in the way justice is provided to WV families and children. (Most of that discussion will be in the post to follow this one.)
3. It will be my "soap box" for presenting my solutions. This law is part of it.

The text of the new law is at the end of this post. ***

The Origins of WV Senate Bill 430



The WV Supreme Court of Appeals Courtroom

It all started with the WV Supreme Court of Appeals' stunning memorandum opinion in the case of Riffle v. Miller , **No. 14-0042** (Harrison County 12-D-459-5)

1. Although the decision was quickly rescinded, and the final decision is pending, the Court's thinking was clearly revealed in its opinion.
2. I posted a critical blog article, "WV Supreme Court Rules People May Not Agree to Leave Each Other Alone":^[2] <http://hunterlawfirm.net/wv-supreme-court-rules-people-may-not-agree-to-leave-each-other-alone/>
3. The underlying facts of the case involve an agreed order by an estranged married couple to leave each other alone. The wise family court judge of Harrison County simply ruled that the former wife was violating the order by constantly texting and calling her terminally ill ex-husband and that she could purge herself of contempt by leaving him alone for two years.
4. Inexplicably, the Circuit Court of Harrison County ruled that a family court can only issue restraining orders if it concludes that there was domestic violence!
5. Thus, the Circuit Court emasculated family courts from prohibiting 95 % of the bad behavior, the very behavior that tends to spiral into violence!
6. So strange, considering that a Circuit Judge would be horrified to think he couldn't prohibit such behavior in his court. Why deny that the family court, which has concurrent jurisdiction of family matters, has the same power?
7. I fought against believing that a circuit court judge would intentionally endanger West Virginia families to gain advantage in the political arm-wrestling between the courts. I lost. I realized that it is hard to share power; just ask the dictators of the world.
8. Since that day, I have spoken with many family law lawyers and judges about our bill. Every one of them agreed they thought family courts already had these powers, and that they absolutely need to have these powers.
9. Fortunately, the Senate approved the House's changes to the bill, not incidentally, on the same day that the Supreme Court Justices who were beating up Mr. Riffle's lawyer during oral argument! I will be interested in how they rule.
10. Here is the story from my point of view.

[3]



Thomas J. O'Neill, Esq.

After I read the Riffle v. Miller memorandum decision, I posted my little blog rant, and I got this private message from Buckhannon Attorney Tom O'Neill: "Burt, just read your blog post. I am going to be working as counsel to the State Senate Judiciary Committee this upcoming regular session. I noted your desire to investigate a legislative remedy to the court decision you cited. Perhaps that is something I can be in a position to assist with." (Editor's Note: Tom asked that I clarify that nothing he did here was "freelancing". Everything he did, which was considerable, was done in full consultation with both (Senate and House) Judicial Committee Chairs and counsel for the House Judicial Committee.) Several messages later, I sent Tom a very rough draft of a bill that proposed to give family courts the power to: a. Approve an agreement of two persons to leave one another alone; b. Grant a motion, properly filed, to order people to leave each other alone in cases of bad behavior that is NOT domestic violence. c. Order people to stop bugging each other, on its own motion if it thinks that is necessary. That's called "sua sponte", or "on its own". 11. Of course, I assumed that I would never hear from Tom again, as he had LOTS to do in Charleston as counsel for the Senate Judiciary Committee during a near revolutionary session, but this arrived: "I had a meeting this afternoon where I broached this topic; let's begin working on a draft bill. I'll call about lunch later this week. Tom"

1. b. We never had our lunch, but talk about a coincidence. I had TWO reasons to wander around the WV

State Capital!

[4]



1. My trial lawyers' association, The WV Association for Justice, was having its Mid-Winter Conference, and it also needed volunteers to meet with legislators on various "tort reform" bills, so I headed to Charleston a day early and spent half a day in the Capital with the WVAJ's lobbyist on "our issues", and I was startled when I was able to meet in the afternoon with Tom O'Neill, the Chairs of the Senate and House Judiciary committees, and the counsel for the house judiciary committee.
2. Yes, in the middle of "a legislature gone mad" (with controversial tort reform, energy, environmental, employment, and gun issues), I was able to find a couple of experienced family law colleagues and the past president of the WV Family Court Judiciary Association to show up on short notice. My colleagues were Lyne Ranson, current Chair of the WV State Bar Family Law Committee. Rusty Webb of the Webb Law Firm is a former delegate and is very busy in the ABA Family Law Division. My Judge, Robert Sowa, referenced herein, when he warned me that opposition was gathering, said we were described as "an inconsequential group of family law practitioners and Family Court Judges. I had to admit that we probably fit the description!
3. We were given a patient audience for nearly an hour! Our "lobbying group" was thrown together in less than 24 hours! We were armed with a simple truth, a court must be able to enforce its orders.
4. Having two hours between my morning and afternoon meetings, I drove to South Charleston and ate at a Taco Belle, and I drafted a revised proposed bill in the Taco Belle parking lot which I e-mailed to Tom.
5. Near the end of our meeting, I mentioned that the closest I had ever got to such a thing before was meeting my old friend, and our Upshur Delegate, Dale Riggs, nearly 20 years ago on the corner of Main St. and N. Kanawha in Buckhannon.
6. I told him that the state of California had just passed a "stalking bill" and that it could be a good bill for the victims of stalking in WV.

7. Dale asked me many questions and that I get him a copy of the bill, which I did.
8. I told the people at our meeting that Dale had gone to Charleston and got that bill passed into law. It is:
9. WV Code 61-2-9 a, Stalking: harassment; penalties; definitions. (West Virginia Code(2014 Edition)
10. My colleague Lyne said, "Dale Riggs! He was my only uncle. I loved him dearly."
11. And Senator Charles Trump, chair of the Senate Judiciary Committee, said, "Dale was a good friend of mine. We were in the house together, and we got the 'stalking bill' passed together."
12. I believe I heard chiming music, and I could feel my good friend looking down on us with a smile of approval! It was a good omen.
13. a. After I checked into my room at Embassy Suites, I got this note from Tom:

Burt, "It was my pleasure (to meet and discuss the proposed bill). I thought the meeting was productive, and I am hopeful that we will have a piece of legislation which will advance. I will await hearing from Rusty and the Judge with their recommendations for language to be included in the bill, and then I will consolidate all of the submissions into a draft which will be distributed for further comment and introduction."

26. b. Tom considered all of our input, and then wrote to us, "Gentlemen, Attached is another draft of the proposed legislation. I've tried to work-in the suggestions I've received. Burt, I decided to address your concern about allowing this power in all kinds of family law actions, and not just divorces, by moving the new section to Chapter 51, Article 2A, where the Family Courts are given their statutory authority. The will allow the Family Court to enter mutual no-contact orders in any matter that is before them, not simply divorce proceedings. **(This was a critical change, and it saved the family courts' power to enter these orders even in domestic violence proceedings. jbh)** If you think this addresses the problem, I will proceed to prepare this for introduction and then we'll see where it goes."

[5]



1. I believed that Tom's changes addressed the problem, and told him so, and the bill was ready to be presented to the full Senate, when Tom sent this ominous note:

"Burt, After replying to you earlier, we received a call from the Supreme Court regarding the language of the bill, and whether an order granted under this bill would trigger the provisions of the Gun Control Act." In response to those concerns, I have tweaked the language of the bill slightly, to clarify that the kinds of behaviors we are talking about here are of the low-burn type that clearly do not rise to the level of DV, as well as to add a subsection clarifying legislative intent. I think that without these changes, the Court would have grave opposition to the bill. Tom

1. So, disaster was averted, and Tom wrote me as follows:

"Burt, I'm very pleased to have been part of putting this together and certainly appreciate your dedication and guidance; granted, we are a long way from enactment, but the bill was both introduced today and has cleared its first committee. We now go to the Senate floor, where passage should occur on Thursday. Then to the House, but I expect that this will not encounter much opposition there. We should probably begin the prep work to make sure the Governor will be willing to sign the bill; do you have many contacts in the Governor's office?"

1. Tom later advised me that with the Supreme Court's approval, and many good comments in the senate session by Senator Trump and others, "our bill" passed the Senate unanimously!
2. I guessed we were headed to "easy sailing" through the House Judiciary Committee and the house....NOT!
3. At first I thought it was just a miscommunication. Our local Family Court Judge, Robert Reed Sowa, who had been following these events carefully, told me, "The Supreme Court is going to try to kill the bill."
4. What?!
5. I assured him we had addressed the concerns (concerns apparently of those "in the know" had about risks to the funding of domestic violence programs through the "Federal Gun Control Act" and "Violence Against Women Act".) But, he told me his source had direct information the "domestic violence lobby" was going to try to kill the bill. I hoped he was wrong. He wasn't!



House Chamber

1. Tom advised me that the House Judiciary Committee would consider and vote on the bill the next day. Could I come down? I learned that Judge Sowa had been selected by the Judiciary Association to appear in favor of the bill. I decided to clear my calendar.
2. Three to four appointment cancellations later, I was on the way to another visit to the State Capital. I had no clue that I would spend five hours watching the senate in session, before it adjourned and The Judiciary Committee convened. I learned more about pooling, and political posturing, than I really wanted.
3. During a break, I got to talk to the WV Legal Aid Representative and assured him our bill would do no harm to Legal Aid or its clients. . He went home, so I felt we were doing fine.
4. Just before the Committee session began, Tom came over and whispered, "The adversaries to the bill are here." What? What adversaries?
5. My competitive juices began to flow.
6. Delegate Tim Manchin, a great trial lawyer and friend of WV, also came over and whispered, "You are here to speak to Bill 430, right?"
7. I nodded, and he said, " _____ is against your bill big-time. I will introduce you."
8. And he did, stating that an distinguished lawyer from Buckhannon was here to answer questions in support of the Bill.
9. Another Delegate, visibly irritated, said there were people there to explain why the bill was a bad thing.
10. I realized that but for Tim's alertness I would have spent 15 minutes hearing negative comments about the bill. But I got to go first!

11. I didn't know where to stand, was directed to the microphone, and began speaking. I was gently chided that I was there to answer questions, NOT to give a statement!
12. Tim then lobbed "softballs" which allowed me to stress that this bill "gave" family courts powers they had been exercising for decades, the same powers that circuit courts have, and that the Supreme Court's ruling was endangering this power.
13. I also explained that the bad behavior I was talking about made up the 95 % of behaviors that domestic violence laws do not touch!
14. I explained that, from my experience, it is this behavior that spirals into domestic violence.
15. My opponents' sole objection? Passing such a law might endanger funding under The Federal Gun Control Act and The violence Against Women Act.
16. That made no sense to me as we were talking about behavior that was NOT domestic violence as defined by law!
17. I assured them it would not. The committee members were gentle to me and impatient with my adversaries. I thought that was a good sign.
18. Then the Committee adjourned, agreeing they could not yet vote, but promising to vote in the morning.
19. Delegate Larry Rowe came over and asked, "Why doesn't the court just issue a blanket order at the beginning?"
20. I hate to admit it, but this bill didn't provide for that. I replied, "Larry, I think it is a great idea so long as we don't lose any of the other provisions of the bill." Delegate Rowe's brilliant insight became part of the bill.
21. The snow was coming down, but I went back into the committee room and had a nice chat with the folks who spoke against the bill. It was a constructive meeting. They are impassioned advocates of domestic violence laws. I am too. (See my reference to The Stalking Law above.) Once they understood that this bill and the domestic violence statute are compatible and complimentary, they warmed up to it.
22. I explained that when the only tool we have is a hammer (Domestic Violence Statute), then every problem looks like a nail. I suggested we had to have this tool for "the other 95 %" of bad behavior.
23. To my surprise, they agreed, and assured me they would try to come up with compromise language that would do what I proposed while protecting their funding. They kept their word.
24. As a result of this constructive meeting, the House passed an amended version of Senate Bill 430 which the Senate later approved.
25. The bill passed every vote unanimously, and the Governor signed it into law on March 15, 2015.
26. And NOBODY NOTICED. I have yet to see or hear one "news item" on this important, but not controversial, bill.
27. Tom O'Neill and I had a wonderful collaboration, with helpful contributions from many sources.
28. Our political beliefs are different. But, Tom summed it up well as follows:

"The members here have a very pronounced ability to compartmentalize issues – your identification with the Association for Justice will not, in my estimation, hamper support for this bill; quite the contrary, the members typically love to promote legislation that is truly nonpolitical and good government in nature - it has been one

of the pleasant surprises of working down there."

61. He had counseled me; "Let them know how important this bill is from a day-to-day practitioner point of view. Let them know how this bill could turn the temperature down on tense family situations, and could forestall episodes of domestic violence before they have a chance to happen. Give them your front-lines take on why the bill is necessary, and they will respond. I will keep an eye on things and continue to shepherd it through to the best of my ability. I am sure we will talk again soon. Best wishes, Tom

62. Before posting this blog, I asked Tom if he would mind my telling the story of the bill. If you are reading this, Tom "O K' d it.", and this is his generous response, and the end of this stage of the story. My next post will address other challenges for the law of families in WV; "Burt, It would make an interesting short story, probably not enough material for a full novel :). John Grisham, watch out! I don't think there would be any problem giving a narrative account of how SB430 came to be, including my contribution. I would only ask that you include Senator Trump in the telling, and his early recognition of this as an important issue. Credit also to Tom Smith, who was fully supportive as the committee's chief counsel. I don't know if I have mentioned this previously, but on the day before the session began back in January, I ran into the Speaker, Dan Greer (the Speaker's counsel), and Steve Harrison (the new House Clerk) in the cafeteria, and we had lunch together. During the lunch, I pitched the issue, and they also recognized immediately its importance and voiced their support for the concept behind the bill. There was a (prescient, it turned out) mild concern over the inter-branch politics of the bill, but other than that the Speaker agreed that this was a good and necessary bill. I'm extraordinarily proud that this bill passed both houses of the Legislature unanimously. That is quite a rare feat (even when it comes to bills that are rather noncontroversial), as you regularly have some member of the House or another vote against a good bill, even one they don't have a problem with, on some obscure principle. There is often pride over there in being the "1" in a 99-1 vote. Tom"

63. So, there you have it; a bad circuit and Supreme Court decision, causing a blog rant, stimulating a suggestion that we write a bill, and the process of that bill becoming law.

64. I do not expect ever to have such experience again, but it was pretty exhilarating. I see why people are drawn to politics. **And please note the steady hand of Tom O'Neill, decades younger than I, who guided it through. jbh**



**

WV Senator Charles S. Trump

Senate Bill No. 430

(Senator Trump, *original sponsor*)

_____ [Passed March 13, 2015; in effect from passage.] _____ AN ACT to amend and reenact §48-27-507 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §51-2A-2a, all relating to exempting orders enjoining certain contact between parties to a domestic relations action from the prohibition against mutual protective orders; authorizing family courts of the state to enter standing orders enjoining certain contact between parties to a domestic relations action; providing for certain terms and effective length of such orders; authorizing family courts of the state to enter orders enjoining certain contact between parties to a domestic relations action when there has been a finding of misconduct by a party; authorizing family court to enforce its order through an order of contempt; and expressing intent of the Legislature. *Be it enacted by the Legislature of West Virginia:* That §48-27-507 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §51-2A-2a, all to read as follows: **CHAPTER 48. DOMESTIC RELATIONS. ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.**

- **48-27-507. Mutual protective orders prohibited.**

Mutual protective orders are prohibited unless both parties have filed a petition under part three of this article and have proven the allegations of domestic violence by a preponderance of the evidence. This shall not prevent other persons, including the respondent, from filing a separate petition. The court may consolidate two or more petitions if he or she determines that consolidation will further the interest of justice and judicial economy. The court shall enter a separate order for each petition filed: *Provided,* That nothing in this section shall preclude the court from entering an order restricting contact pursuant to section two-a, article two-a, chapter fifty-one of this code. **CHAPTER 51. COURTS IN GENERAL. ARTICLE 2A. FAMILY COURTS.**

- **51-2A-2a. Family court jurisdiction to restrict contact between parties.**

(a) A family court in its discretion may, at any time during the pendency of any action prosecuted under chapter forty-eight of this code, restrict contact between the parties thereto without a finding of domestic violence under article twenty-seven of said chapter. This order shall not be considered a protective order for purposes of section five hundred seven, article twenty-seven, chapter forty-eight of this code. A court may enter a standing order regarding the conduct expected of the parties during the proceeding. Any standing order may restrict the parties from: (1) Entering the home, school, business or place of employment of the other for the purpose of bothering or annoying the other; (2) Contacting the other, in person, in writing, electronically or by telephone, for purposes not clearly necessary for the prosecution of the underlying action or any obligation related thereto or resulting therefrom. (b) Upon a finding of misconduct by a party, the court shall enter an order against the offending party enjoining the conduct which disturbs or interferes with the peace or liberty of the other party so long as such conduct does not rise to the level of or constitute domestic violence as defined

in article twenty-seven, chapter forty-eight of this code. The court shall not issue orders under this section in cases where the conduct of either party has previously risen to the level of domestic violence.(c) Nothing in this section shall preclude the court from entering an emergency protective order, or final protective order, as provided in article twenty-seven, chapter forty-eight of this code. (d) Notwithstanding the provisions of section five hundred five, article twenty-seven, chapter forty-eight of this code, an order entered pursuant to the provisions of this section shall remain in effect for a period of time as specified in the order. (e) The court may enforce orders under this section against the offending party through its powers of contempt, pursuant to section nine of this article. (f) It is the express intent of the Legislature that orders issued pursuant to this section are to restrict behavior which is not of sufficient severity to implicate the provisions of article twenty-seven, chapter forty-eight of this code and 18 U. S. C. §922(g)(8).

***** STATE OF WEST VIRGINIA SUPREME COURT OF APPEALS David J. Riffle, Respondent Below, Petitioner (vs.) CA No. 14-0042 (Harrison County 12-D-459-5) Shirley I. Miller, Petitioner Below, Respondent FILED November 24, 2014 RORY L.PERRY II. CLERK SUPREME COURT OF APPEALS OF WEST VIRGINIA MEMORANDUM DECISION** Petitioner David J. Riffle, by counsel Jerry Blair, appeals the Circuit Court of Harrison County's October 30, 2013, order reversing the family court's entry of a mutual restraining order in the divorce proceedings below. Pro so respondent Shirley I. Miller filed a response. On appeal. petitioner alleges that the circuit court erred in overturning the mutual restraining order. This Court has considered the parties' briefs and the record on appeal. The facts and legal arguments are adequately presented, and the decisional process would not be significantly aided by oral argument. Upon consideration of the standard of review, the briefs, and the record presented, the Court finds no substantial question of law and no prejudicial error. For these reasons, a memorandum decision affirming the circuit court's order is appropriate under Rule 21 of the Rules of Appellate Procedure. Petitioner and respondent were married in Harrison County in December of 1988. Thereafter, in August of 2012, petitioner filed a petition for divorce in the Family Court of Harrison County. That same month, petitioner filed a petition for domestic violence protection in the family court after which an emergency protective order was issued. However, in October of 2012, the family court issued an order terminating the protective order because the parties, by counsel, reached a temporary agreement in the underlying divorce action. Further, the family court issued a mutual no contact order preventing either party from contacting or otherwise communicating with the other party. In the order, the family court also directed the pending domestic violence case be dismissed. In November of 2012, the family court entered a mutual restraining order. Thereafter, the family court held a final hearing on the divorce petition in January of 2013. By order entered on February 19, 2013, the family court entered its "Agreed Final Decree of Divorce" that provided respondent would place the marital home on the market and further provided that a mutual restraining order was entered. In August of 2013, the family court entered an order *nunc pro tunc* amending the agreed final divorce decree clarifying that petitioner, not respondent, was to put the marital home on the market. That same month, the family court entered an order following a hearing on August 6, 2013. finding respondent in contempt of court for violating the restraining order. The order allowed respondent to purge herself of contempt if she had no further contact with petitioner, directly or indirectly, for the next two years. Respondent thereafter filed a petition for appeal to the circuit court in regard to the mutual restraining order, and after filing an amended petition, a hearing was held in the circuit court on September 27, 2013. In October of 2013. the circuit court entered an order affirming the family court's order *nunc pro tunc* and reversing the mutual restraining order. It is from the circuit court's order reversing the family court's order, in part, that petitioner appeals. We have previously established the following standard of review: In reviewing a final order entered by a circuit court judge upon a review of, or upon a refusal to review, a final order of a family court judge, we review the findings of fact made by (the family court judge under the clearly erroneous standard, and the application of law to the facts under an abuse of discretion standard. We review questions of law *de novo*. Syl. *Can v. Hancock*, 216 W.Va. -174. 607 S.E.2d X03 (2004). Upon our review, we find no error in the circuit court reversing the family court's entry of a mutual

restraining order. On appeal, petitioner alleges that the circuit court erred in applying West Virginia Code Sec. 48-27-507 to his divorce action because he alleges that it only applies to domestic violence actions. The Court, however, does not agree, as petitioner's argument ignores the explicit interplay of the articles governing divorce and domestic violence prevention and treatment as found in Chapter 48 of the West Virginia Code. Specifically, in addressing protective orders in the context of divorce proceedings, West Virginia Code Sec. 48-5-509(b) states that "[a]ny order entered by the court to protect a party from abuse may grant any other relief authorized in the provisions of article twenty-seven of this chapter, if the party seeking the relief has established the grounds for that relief as required by the provisions of said article," West Virginia Code Sec. 48-5-509(c) goes on to state: [t]he court, in its discretion, may enter a protective order, as provided in article twenty-seven of this chapter, as part of the final relief granted in a divorce action, either as a part of an order for temporary relief or as part of a separate order. Notwithstanding the provisions of section five hundred five of said article, a protective order entered pursuant to the provisions of this subsection shall remain in effect until a final order is entered in the divorce, unless otherwise ordered by the judge. _____

_____ * The order also reversed the family court's order severing the parties' joint tenancy in the marital home. However, petitioner alleges no error with the circuit court's order in this regard and, as such, it is not subject to appeal. 2. As such, it is clear that mutual restraining orders, such as the one entered in the divorce proceeding below, are subject to the provisions of Article 27, Chapter 48 of the West Virginia Code. West Virginia Code Sec. 48-27-507 specifically states that "[mutual protective orders are prohibited unless both parties have filed a petition under part 3 of this article and have proven the allegations of domestic violence by a preponderance of the evidence." In ruling on the mutual restraining order at issue, the circuit court specifically found that "allegations of abuse have not been proven by either party by a preponderance of the evidence." Instead, "[t]he record merely provides allegations of non-abusive contact by [respondent] such as a voice mail message to [petitioner] and attempted contact through a mutual colleague." As such, the circuit court overturned the mutual restraining order because West Virginia Code Sec. 48-27-507 specifically prohibits the same in the absence of proof of abuse by a preponderance of the evidence. While petitioner argues that contract principles should allow the parties in the instant divorce to agree to the mutual restraining order, the Court does not agree. That the parties agreed to the inclusion of a mutual restraining order in the final divorce decree does not supersede the prohibition against mutual restraining orders absent proof by a preponderance of the evidence as required by West Virginia Code Sec. 48-27-507. As such, the Court finds no error in the circuit court's reversal of the mutual restraining order. For the foregoing reasons, the circuit court's October 30, 2013, order is hereby affirmed. Affirmed. ISSUED: November 24, 2014 CONCURRED IN BY: Chief Justice Robin Jean Davis; Justice Brent D. Benjamin; Justice Margaret L. Workman; Justice Menis E. Ketchum Justice Allen H. Loughry II 3.

1. <http://hunterlawfirm.net/wp-content/uploads/2015/04/FCCR.jpg>
2. <http://hunterlawfirm.net/wv-supreme-court-rules-people-may-not-agree-to-leave-each-other-alone/>
3. <http://hunterlawfirm.net/wp-content/uploads/2015/04/TomO'Neill.jpg>
4. <http://hunterlawfirm.net/wp-content/uploads/2015/04/StateCapitalBldg.jpg>
5. http://hunterlawfirm.net/wp-content/uploads/2015/04/2009_senate_fullchamber.jpg
6. <http://hunterlawfirm.net/wp-content/uploads/2015/04/housefloor.jpg>

8.8 March

Mr. Hunter - Why Can't I Find Your Kindle Book Series? (2015-03-21 19:25)

This is a short follow up to my last blog post. Perhaps this will be a help to a fellow lawyer, or a budding writer hoping to self publish.

Here is what I wrote to some Kindle recommended companies who specialize in assisting in data conversion and formatting of Kindle e-books:

Here is my problem:

I once had two blogs: "Perspectives of a Small Town Lawyer" and "WV Lawyer – Tips and Techniques"; it was on a Blogger platform.

I had a Findlaw.com hosted website. Too costly, so I had two freelancers create a new site, with same url: [1] www.hunterlawfirm.net

Now my blog is on a WordPress platform; both blogs became combined: [2] www.hunterlawfirm.net/blog/

I write on many subjects, and I asked my programmer if I could add "tags" or "categories" to the 250 or so blog articles (650 pages) so he could extract six separate volumes for a series of informative Kindle Books.

He thought he could, so I spent 60 hours tagging and editing my blog articles, but he had lots of problems. In fairness, he tried hard and warned me he had no experience in Kindle publishing.

We have tried to upload the first two volumes as PDF, HTML, .docx, and .doc files. None work properly, so I "unpublished" them.

The Tags/Categories are:

000111: Civil Law and Litigation;

000112: Mediation;

000113: Law Office Management, Technology, and Marketing;

000114: Family Law;

000115: My views on my profession, politics, philosophy, science, and religion;

000116: ALL of my 250 articles in one volume.

I need an estimate on the extraction, and formatting of each volume, six in total.

Regards,

J. Burton Hunter III

I also consulted Barron Henley, nationally known expert of law office technology and Microsoft Word. I am awaiting quotations or answers from five sources. I will get my series published, I promise. Stay tuned!
jbh

1. <http://www.hunterlawfirm.net/>

2. <http://www.hunterlawfirm.net/blog/>

8.9 February

Publishing my Kindle Books (2015-02-23 17:14)

[1]



This will be short and sweet. Over the last 4 years, I have written approximately 600 pages and 250 blog articles. I have converted this writing into a blog book with a table of contents in the form of a PDF file.

When I attempted to upload this as a replacement to the book I published 3 years ago, "Perspectives of a Small Town Lawyer", for which I have received \$27.00 in royalties, Amazon Kindle chided me that I had some copy-written material, so I abandoned the project.

My programmer Dan has helped me with a new goal. At his suggestion, I have created "category tags" for several books. They are, simply:

000111

000112

000113

000114,

000115

etc.

628

The subject matter will be:

- a. My articles on personal injury law and practice, insurance bad faith, industrial accidents, and medical malpractice and civil law, and civil mediation. I just need a "catchy title.
- b. My articles on civil and family mediation, also called "alternate dispute resolution.
- c. My articles on office management, technology, collegiality, and ethical behavior.
- d. My articles on my family law practice, which of necessity will have some repetitive material on mediation because it is at the heart of my family law practice.
- e. My views on politics, science, philosophy and religion. What? What does a small town lawyer know about that. Let's just say that the past, the present, and the future are "hobbies" of mine.
- f. And, I still will have a "big book" of my entire blogs, in consecutive order, with table of contents.

Sorry I will have to strip out my photos of Lucy and Ethel at the Candy Factory, Gregory Peck as Atticus Finch, and anything else I have "snagged" from Google Images without getting permission. Sure wish there were a "one click solution" to that.

My goal(s) in this project? Why to become rich and famous of course. That is also my goal when I put \$20 on the 1/2 billion \$ Powerball drawing.

The more realistic goals?

1. Help market my professional practice;
2. Educate potential clients, lay persons, colleagues, and even judges on things of have learned, mistakes I have made (what better way to learn?), my goals achieved, and there tasks that remain.
3. Create something that may help my children, grandchildren, and our descendants, know a bit about "the Ill'd" John Burton Hunter. I started down that path with a series of letters, "Letters to Anna", our granddaughter, and now the five grandchildren who have joined her. Perhaps someday, properly edited, they will make it into a Kindle book
4. See if I can make a change in the practice of law in WV, strive for a consensus in our approach to the ethics of our profession, improve our technical prowess, enhance our ability to negotiate effectively and fairly, share my ideas for organizing the facts of your case, and to help others understand better the essentials of running a business known as a professional law practice.
5. If I can succeed in some of that, I shall feel "rich and famous."

Drat! Lost that Powerball again!

jbh

How I Became a Communist? (2015-02-20 23:27)

[1]



First; let me say I am not a Communist! But, I have taken note of some people in my Republican Party who treat a moderate Republican such as me like I were a socialist or a communist. They are called variously, "the radical right", "the religious right", or "The Tea-party". They have been

attacking, among many things, our civil justice system, our right to a jury of our peers, basic precepts of tort law Starting with the rise of Rush Limbaugh and other "media personalities", they also attack the idea that it is abnormal and dangerous to have an ebb and flow, give and take, and swinging pendulum of moderate, conservative, and even liberal President congress. In short, they are challenging our political system and labeling anyone who disagrees with them as Un-American. In fact, is a put the finishing touches on this post, Rudy Giuliani announced on Fox T.V. that President Obama does not love America. I posted "Rudy has his head up his Patooty!". The radical conservatives would have you believe that anyone to the left of Newt Gingrich or Carl Rove is un-American, and that President Obama is a socialist "just like Europe". Most political commentators agree that the current version of the political right would never support a Ronald Reagan. Special interests like the Gun Lobby also join in, to pour resources and vengeance on anyone who dares say the slightest thing in favor of reducing gun violence. Add to them the traditional, pro-business, conservative, and I confess that I believe our system of civil justice is endangered. We could see a future where our fate is tied to a rigged system of politically appointed judges and arbitrators. It is a scary thought indeed. Here are some thoughts in favor of moderation and our constitutional system of checks and

balances.

How about the idea that lawyers are essentially selfish and bad?

Feb 21, 2015. I must post today's comment from Paul Byrd. I see that he does not want us to forget that he respects greatly his Arkansas conservatives. He does not want us to lose focus that these folks, many of them "Scots-Irish", believe in the same thing that we trial attorneys believe in. They serve on our juries, and we must try to communicate our message. I have purchased Jim Webb's book, "Born Fighting", as I am Scots-Irish myself. **Here is Paul's comment:**

Burton - One thought that I would like to emphasize is that the Tea Party and Christians embrace the values and Freedoms that the Jury Trial protects. If you want to enforce your property rights, you have the right to a jury trial. There is no freedom of speech or freedom religion if the Government or others can take your printing presses and Church buildings; therefore, property rights are essential to freedom. If you are accused of wrongdoing, you have the right to a jury trial. If you have had your life taken away by wrongdoers, your family has the right to a jury trial. Without this right, there is no protection of our freedoms. So a jury trial IS the protection of our Life, Liberty and Property. Always has been in this Country. It is what makes this a Great Country.

The Lawyer as Peacemaker and Mediator

Before I get started on the rest this task, please remember that many great men (and now women) were lawyers, including the Roman Orator Cicero, and the guy who I quote below. Assuming the quotation is accurately attributed, and it rings true to me, Lincoln had the heart of a mediator. It is ironic that he served his most difficult time as a war president. But he was a practicing lawyer for a couple of decades at least. This first slide comes from the WV Assoc. for Justice Mid Winter Meeting and Seminar, the segment on Mediation by Monica Haddad and Donald B. O'Dell. [2] 

How Can a Trial Lawyer Communicate with a Conservative?

My sincere thanks to Little Rock Arkansas attorney Paul Byrd, and indirectly to Ken Conner, who he credits below, for allowing me to borrow some of their slides to the recent continuing education

seminar that Paul presented to the WV Association for Justice. There are some real eye openers here, but the narrative is mine and may touch on, but is separate from, Mr. Boyd's presentation. If you get a chance to go see him, I urge you to do so. Mr. Byrd is politically and socially conservative, but he is not a radical, and he is not closed-minded. **And, in spite of my provocative title above, "I am not a member of, nor have I EVER been a member of, The Communist Party!"** People of my generation and earlier may remember this is the question Senator McCarthy asked of people he called to testify before congress in the years of "red baiting" and "communist witch hunters". I have spent the last year as a registered Independent after spending 50 years as a Republican. I think I shall change back, and do what I can to rescue my party from what I believe, at worst, is a radical, hateful, agenda and at best is a simplistic view of the world. **As I have become a bit more tolerant on social issues, abortion, gender equality, gun violence, immigration, end of life issues, and (the horror of it) the specter of legalized marijuana, my party has not.** While I still want my tax rate to go UNDER 40 %, which it presently is not, and have loyally supported both Presidents Bush in Iraq and Afghanistan, and citizen President Obama for being too hesitant, and still want our government to function within its means, and want our Social Security and Medicare programs to maintain fiscal integrity, those conservative personalities, Rush Limbaugh, Glenn Beck, Sean Hannity, Michael Savage, Michael Reagan, and Mike Huckabee describe people with my views as socialists, and they intentionally blur the differences between socialism and communism. **The last time I looked, the only declared socialist in Congress is Bernie Sanders, but I admit the guy makes a lot of sense. I dismissed socialism back when I read Atlas Shrugged and Fountainhead by Any Rand, and I still do.** Too bad most of the radical right failed to read and study outside of their harshly narrow, and often bigoted views. And we find other terms bandied about that "muddy" or understanding. "He is a Nazi!" "They use 'Gestapo tactics'." Why is it so tempting and easy to use labels and shallow thinking in place of rational and collegial communication. I won't try to answer that, but I will try to improve the communication between us trial lawyers and rational conservatives. **You see, good, honest, lawyers (and there are many, and there were many among our founding fathers), are devoted to the rule of law, to our Federal and various state constitutions, to our system of government, to "the balance of power", to freedom of thought and speech, to our bill of rights, to our right to jury, and, does it even need to be said, to our right to keep and bear arms. It is the radical and religious right that want to favor a few constitutional provisions over the others. How then did we get to the point that being a "trial lawyer" became so abhorrent** that our national and state organizations became an "Associations for Justice" instead of "trial lawyer" organizations? Let's blame Carl Rove. I love it that the new radical right has drawn fire from, and aimed fire, at Mr. Rove. He was brilliant at forming a message and redefining "the truth". Perhaps, like Dr. Frankenstein, he helped to create this "monster". [3]

Preamble to the West Virginia Constitution

- Since **through Divine Providence** we enjoy the blessings of civil, political and religious liberty, we, the people of West Virginia, in and through the provisions of this Constitution, reaffirm our faith in and constant reliance upon God and seek diligently to promote, preserve and perpetuate good government in the state of West Virginia for the common welfare, freedom and security of ourselves and our posterity.

No one who studies American history, especially the history of the formation of this country, believes that our founding fathers were devout, practicing, Christians. They were men of "The Age of Enlightenment". They were committed to religious freedom and tolerance, but I submit they were as committed to a person's right to be free from religion as to believe a particular doctrine. Nevertheless, see below in the Preamble to the West Virginia Constitution the references to "Divine Providence" and "reliance on God." **If our Continental Congress, and our WV Legislature were so brilliant in preserving these rights, and others, how could they be "off base" on the right to a trial by jury? Here is what they had to say about that right. [4] ✕ Here it is above; in green and white, a constitutional federal and state right to be judged by a jury of our peers. [5] ✕ [6] ✕ [7] ✕ [8] ✕ [9] ✕ [10] ✕** And, talk about something the rad-right should consider "holy grail", the right of the individual to equal protection and due process under the law! Due process, of course, should include the right to bring a lawsuit, prove your allegations, or have your opponent disprove them, and bear true consequences. **What of the "loser pay" idea"? My view is that "loser pay" provisions will allow insurance companies and big business to intimidate people, even those with just claims, abandon or compromise those claims because they cannot bear true risk of paying the insurance companies' legal expenses. Now, please look below. The Federalist Papers, authored by Hamilton, Madison, and Jay, explained what the "rad right", and fundamentalist Moslems in the Middle East cannot wrap their heads around, that government, of imperfect human beings, especially in a democracy, must have a system of checks and balances. Such a system, guards against passions taking control, and against tyranny by the majority, or a fanatical minority. Loyal reader; if you have stuck with me this long, I will share that I have been working on this post for 3 weeks, and I have had a stressful week. We leave for our working (and writing) vacation tomorrow. So, I will let you read and savor Mr. Byrd's slides and his message that those of us who are on the side of "the little guy" are neither evil or anti-American. Let's have a bit more faith in our**

founding fathers than that. jbh [11] ✕ [12] ✕ [13]



[14] ✕ [15] ✕ [16] ✕ [17] ✕ [18] ✕ [19] ✕ [20]

Many Conservatives are Against
Damage Caps.

What belief and value is involved?

Being Accountable

“If you break it, you make it right”.

[21] ✕ [22]



[23] ✕ [24] ✕ [25] ✕ [26] ✕ [27] ✕ [28] ✕ [29] ✕ [30] ✕ [31] ✕ [32] ✕

1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/BurtBest.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2015/01/6Mediation2.jpg>
3. <http://hunterlawfirm.net/wp-content/uploads/2015/01/2WVConstPreamble1.jpg>
4. <http://hunterlawfirm.net/wp-content/uploads/2015/01/7RightToJuryTrialStateFederalConst.jpg>
5. <http://hunterlawfirm.net/wp-content/uploads/2015/01/9WVBillOfRightsArt3.jpg>
6. <http://hunterlawfirm.net/wp-content/uploads/2015/01/10.WVEqualProtectionArt4.jpg>
7. <http://hunterlawfirm.net/wp-content/uploads/2015/01/11.WVFreeGovernment.jpg>
8. <http://hunterlawfirm.net/wp-content/uploads/2015/01/12.WVCriminalDueProcessJuryTrial.jpg>
9. <http://hunterlawfirm.net/wp-content/uploads/2015/01/13.WVSec3-10DueProcess.jpg>
10. <http://hunterlawfirm.net/wp-content/uploads/2015/01/14.WVRightToBearArms.jpg>
11. <http://hunterlawfirm.net/wp-content/uploads/2015/01/16.Isiah3Branches.jpg>
12. <http://hunterlawfirm.net/wp-content/uploads/2015/01/17.FederalistMadisonSeparationofPowers.jpg>
13. <http://hunterlawfirm.net/wp-content/uploads/2015/01/18.WeThePeopleGraphic.jpg>
14. <http://hunterlawfirm.net/wp-content/uploads/2015/01/19.-FederalistDivisionOfLegislatureMadison.jpg>
15. <http://hunterlawfirm.net/wp-content/uploads/2015/01/20RedMap.jpg>
16. <http://hunterlawfirm.net/wp-content/uploads/2015/01/21BlueBloodsBlueCollar.jpg>
17. <http://hunterlawfirm.net/wp-content/uploads/2015/01/22TriPartateAnalysis.jpg>
18. <http://hunterlawfirm.net/wp-content/uploads/2015/01/23ConservativeValues.jpg>
19. <http://hunterlawfirm.net/wp-content/uploads/2015/01/24SmallDamageCases.jpg>
20. <http://hunterlawfirm.net/wp-content/uploads/2015/01/25DamageCapsConservatives.jpg>
21. <http://hunterlawfirm.net/wp-content/uploads/2015/01/26BornFighting.jpg>
22. <http://hunterlawfirm.net/wp-content/uploads/2015/01/27IrelandScotlandMap.jpg>
23. <http://hunterlawfirm.net/wp-content/uploads/2015/01/28Braveheart.jpg>
24. <http://hunterlawfirm.net/wp-content/uploads/2015/01/29LibertariansBraveheart.jpg>
25. <http://hunterlawfirm.net/wp-content/uploads/2015/01/30BearTheCosts.jpg>
26. <http://hunterlawfirm.net/wp-content/uploads/2015/01/31FairestDamageAssesment.jpg>

- 27. <http://hunterlawfirm.net/wp-content/uploads/2015/01/32GovernmentOrPeopleInCommunity.jpg>
- 28. <http://hunterlawfirm.net/wp-content/uploads/2015/01/33WallStJournalNonEconomicLosses.jpg>
- 29. <http://hunterlawfirm.net/wp-content/uploads/2015/01/34WallStJournalNonEconomicLossesCropped.jpg>
- 30. <http://hunterlawfirm.net/wp-content/uploads/2015/01/35CappingDamages.jpg>
- 31. <http://hunterlawfirm.net/wp-content/uploads/2015/01/36RuleOfLawJuriesLocal.jpg>
- 32. <http://hunterlawfirm.net/wp-content/uploads/2015/01/37Fourchoices.jpg>

What Kind of Giver Are You? Or Are You a Taker? (2015-02-06 22:50)

[1]

Credit to: " Give and Take : Why Helping Others Drives Our Success"

By Adam Grant, Penguin Press

I write this post with sincere thanks to our daughter Laura, soon to be MBA graduate from Wake Forest University.

Laura and I have different personalities, but some very similar reading paths. She once read *The Rise and Fall of the Third Reich* at my suggestion, and I waited eagerly for her to "hand down" her Harry Potter hardbacks as she finished them.

I was touched when she sent me "Give and Take - Why Helping Others Drives Our Success" by Adam Grant. Laura has been working under intense pressure for over three semesters. It takes guts to take a hiatus from a busy career to become a full time student. It is so tough that Wake will graduate its last class of full-time MBA students the year after Laura Graduates.

She has had to be in an intense, competitive, environment, learning "quant" (quantitative analysis), team-building, networking, and so much more.

She enclosed a card with the book explaining that she read it as part of a negotiating course assignment, and that it had as big an impact on her as anything else she had learned at Wake.

I agree. Being a veteran of self-help books, it was not as new to me as it might have been, but **it was comforting to read example after example that reinforces what I believe is true in life.** If you are a fan of Malcolm Gladwell, you will like this book.

Here it is in a nutshell:

1. The question posed was **whether a "giver" can succeed in a competitive career.** Good question, for Laura and still for me.
2. The author has a bit of Malcolm Gladwell in his case studies, which tend to be anecdotal, not scientific, but **from what I know of the people in question, his lessons ring true.** (e.g. Abraham Lincoln)

3. He identifies three broad categories of people, found in every profession, "takers" of course, "matchers", and "givers".

4. In the next part, he presents, repeats, and demonstrates his theme many times.

a. Takers often do just fine, but sometimes their "taking" sets them up for a fall. They focus on their perceived self-interest, give as little as possible, purport to give "when people are watching", and are otherwise not generous.

b. Matchers often give, but they keep careful track, and pull back if the recipient does not reciprocate. They do pretty well, but not as well as the takers and not as well.....see below.

c. Givers are "at the bottom of the barrel", being the least productive and the least successful, AND,

d. But givers are also the MOST successful!

5. What? The author demonstrates, with dozens of examples, that there are two kinds of givers.

a. Some of us are "too nice" as "Dr. Laura" (Schlesinger) calls them. For whatever reason they give, give, give, and **cannot say no.** People take advantage of them, and they tend not to get ahead in life. Someone is always there with a hand out.

b. But the other kind of giver is a bit more pragmatic. They give of themselves sincerely, without taking note of who reciprocates, or when, BUT they have an "antenna" for the "taker" who diverts them from helping others who truly might pass it on. They gently disengage from the parasites. That skill is "learning to say no". It is an essential skill for creative "giver" to master. That's what frees her/him to get ahead in life. Constant measuring what you will get in return just gets in the way.

6. Time and again a selfless act allows the thoughtful type of giver to find, or make, another connection that benefits his friends, family, or colleagues, and ultimately himself.

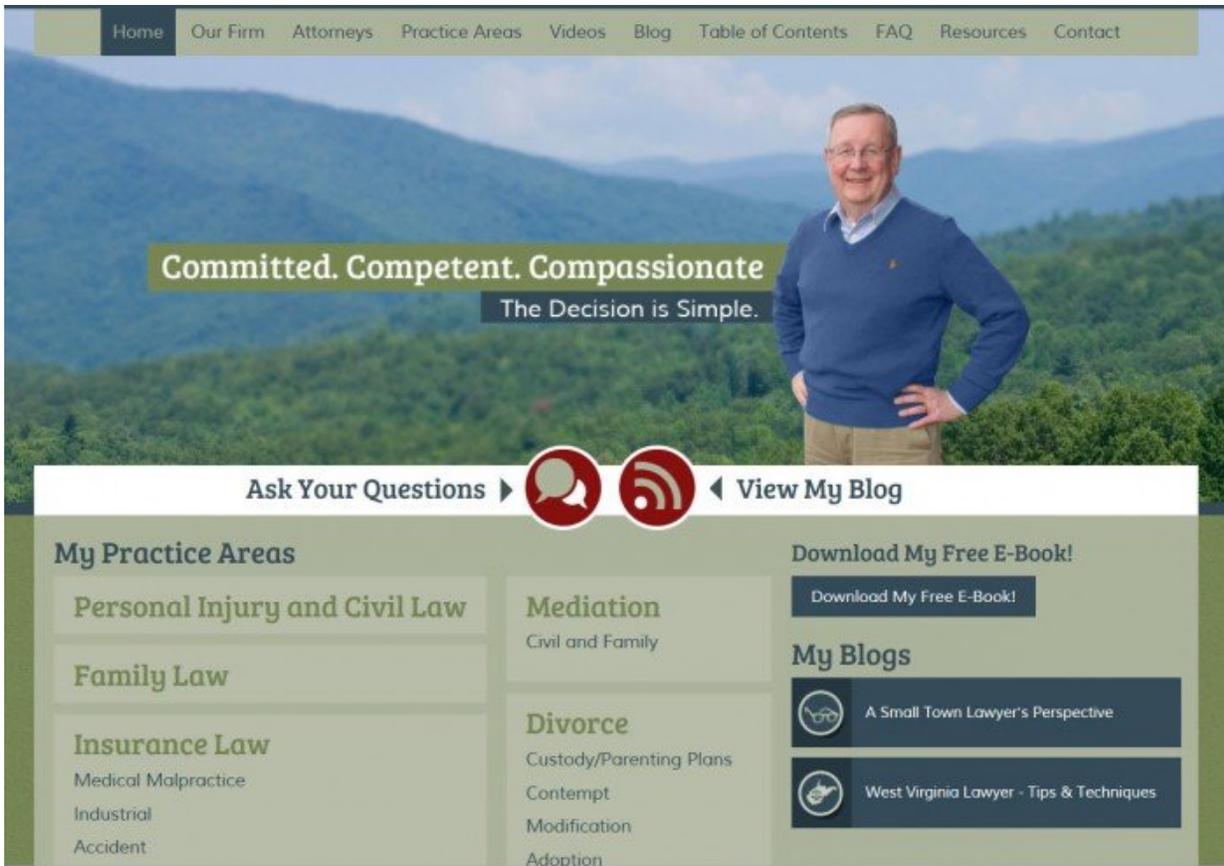
I will not put the examples here, but **I have found these lessons to be true in my life, and thank my dear daughter for sharing this book with me.**

Dad

1. <http://hunterlawfirm.net/wp-content/uploads/2015/02/Give-and-Take.jpg>

Symantics, Metaphor, Religion, and Clarity of Thought (2015-02-01 19:42)

[1]



For an article on a related topic, see: [http://\[2\]hunterlawfirm.net/burts-criticism-of-religion-and-religiosity/](http://[2]hunterlawfirm.net/burts-criticism-of-religion-and-religiosity/)

My website programmer Dan and my wife Nancy each say they like the rich content of my blog. They say it will help potential clients, and colleagues, to find me. Just hit the red button, use the search engine, and you will see for yourself. For example, search for "mediation" and you will get 69 "hits"! Perhaps 50 Of them are substantive articles on my views on mediation, in family cases, personal injury, and civil litigation.

Thy also say brevity is a virtue. My last article was long and substantive, as is the one I am working on (how trial lawyers can communicate with conservatives), so here is one a bit shorter.

Editor's note: Easier said than done. As the writer said, "If I had more time, this would have been a lot shorter."

1. While everyone else was covering the "Great New England Blizzard of 2015", Fared Zaccaria covered something much more important to America's long term best interests, the President's ground-breaking

visit to India, and the renewal of our relationship and friendship.

2. He spent an hour with a man who is highly intelligent, and who may even become regarded as a great man, our President Barack Obama.

3. And, I posted a link to the "Mormon Heretic" website this morning, and coverage of a fellow who will soon be excommunicated from "The Church of Latter Day Saints".

4. And, my wife and I attended church today, and I decided to include my comments to my wife on the ride home.

5. Here are my comments:

a. The heretic **questions** his sect's founder, Joseph Smith, **who had 30 wives**, including teenagers **and women he took from intact marriages of his parishioners**, and he **questions** the prohibition against the ordination of women, and he **advocates** "gender equity". As a result, they are kicking him out. **Who could want a guy like him in their group?**

b. President Obama had a good interview. I commend it to you. Just stream it on iTunes. I agreed with much of it, but when pressed on his refusal to admit there is a war on terrorism, or to use the terms, Radical Islam, or Moslem Extremists", or terrorists, he fell back on "sound bites". He insisted 99.99 % of Islam is moderate and peaceful. That begs the question. RADICAL Islam is violent, and its practitioners are Terrorists. Doubt it? Look at the billion dollars or so that is being spent to protect the Super Bowl today! The fear and threat is costing civilized societies dearly. (I subsequently reconsidered my views on this point in a FB post. jbh)

c. If you think I am picking on only Joseph Smith, I am not. For example, read "Clear" if you want to find a monomaniac who formed a religion, L. Ron Hubbard, founder of Scientology. **Read "Clear" if you want to read a scary book.**

d. Our sermon at our United Methodist Church this morning was about Jesus' first public sermon. Someone in the audience shouted out, "Are you here to destroy us?" Jesus looked at him, as a result of which his questioner was thrown into convulsions, **and "a demon" was expelled from his mouth.** What?! This was from "the gospels", not the old testament? What are the people in our congregation, including the children, to make of that story. **Perhaps Criticize the founder of a religion at your great peril!?**

6. Here are me points of disagreement or clarification with these stories.

a. Of course the President and El Jazeera, and CNN do not want to be provocative or offend Moslems in general. BUT, even **though a small percentage of purported Moslems are terrorists, thousands are military fighters**, and (this troubles me), **millions in the cities of the Middle East and even in Europe cheer the terrorists bombings, if not the beheadings.**

b. If we are going to mobilize the civilized world against the threat of chaos and hatred, we should clearly identify our enemies. I say call them terrorists if they kill or maim non-combatants, or set off suicide bombs, or bring down civilian airplanes. These people are not "combatants" or "militants" or "soldiers". **They are filthy, amoral, murderers.** Call them that. Soldiers who are risking their lives for their countries, volunteers or draftees, are a different animal, even if they are our enemies. Armies that abide by the Geneva Convention are different from those that do not.

c. **And, I am one of the few critics who will say this, the Pres. is terrified to be seen as criticizing religion in general.** His people are already hyper of his being accused of being a Moslem. He does not dare point out that religion often enhances tribalism and violence.

d. **"People of faith" get a free pass, of course,** because our country has religious freedom? Perhaps, but I see something less noble **What we really should have is freedom of our beliefs.** People who doubt, people who do not have faith, people who accept the hated term "atheist, and people who advocate a different path for their own religion have freedom too.

6. **So, what do I think? I say call them "religious terrorists" or just "terrorists".** (Editor: Islamic or Moslem Terrorist may be accurate, but may diminish our ability to ally ourselves with Moslem Moderates, or Moslems of less radical sects. Why poke them in the eye if we don't have to.) That is what they are. And call a moderate Christian, a mainstream Moslem, a peaceful or moderate Moslem, by those terms. Of course there are provocative terms that should be avoided. But these are not such terms.

7. **And what of my minister's plight in preaching on the topic the Methodist Hierarchy gave her today?** That was the assigned verse, **so how to present it and not insult an intelligent listener,** while getting through to an unsophisticated listener. (Forget about the guy asleep in the back.)

a. I do not like the idea that thousands of ministers have to speak on an assigned Bible verse on a particular week. Setting that aside, here's what I would say.

b. **As Jesus was speaking, a man shouted, "Are you here to destroy us?". I think I would like to say, "Jesus addressed the man, who was so upset he had a seizure of some kind." I believe that the biblical reference was a metaphor. We know from modern science and medicine that there are no demons, and people are not "possessed of them", but something cathartic clearly took place.** Jesus' message was new and fresh. It was not an archaic, dry, Talmudic teaching. To the people there it was understandable, alive, and inspiring. It spoke of peace, an orderly life, charity, compassion, and freedom. **Clearly, the message overwhelmed the man,** and Jesus was on his way to becoming a "big deal".

c. **A cynic might say that Peter had slipped the guy a couple Denarii to put on a show** and convince the audience that Jesus was Godlike. There is no such evidence. **I say, point out whenever possible that the Bible speaks in metaphor** , and every time water is changed to wine, or someone is brought back to life, or a bush burns and is not consumed, it has to be a metaphor, because physics and chemistry were the same then as they are now. **If religion promotes one doctrine over another because "our guy" had a special pipeline to God, sorry, that's b.s.**

d. **Brilliant ideas stand on their own,** as do evil acts, as does stupidity itself.

7. **I say strive for the rational, the provable, the good, the honorable, and the compassionate.**

8. But, when necessary, call a spade a spade. jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2014/12/JBHunterLawFirmHomePage.jpg>

2. <http://hunterlawfirm.net/burts-criticism-of-religion-and-religiosity/>

8.10 January

Digging Down - On Organizing and Preparing Your Case (2015-01-23 01:18)

[1]



Introduction

First; in the interest of time and copying, I provide here a link to the PDF version of this article, especially the fill in the blank forms:

<http://hunterlawfirm.net/wp-content/uploads/2016/12/hunterlawfirm-get-organized-forms.pdf>

My wife says, "Keep it short and interesting." I wish I could, but this is a serious subject. It is a "how to" written by someone whose been working and studying for 40+ years on how to do the fundamental tasks of a general trial lawyer.

This is not theoretical. It is how I begin a case, size up a client and my adversary, gather facts, organize, prepare, and resolve. If I were a "writing roofer", I would tell you how I get that roof to be attractive, durable, and shelter from the elements. This is the same thing. "This Old Lawyer".

This article assumes you have read "Something Constructive - How to Organize the Facts in Your Case" and/or "More About Organizing the Facts in Your Case", see links below, and you just don't get it, or you get it and you want to "dig down" for more:

1. I have written about organizing the facts in your case before, [2]<http://hunterlawfirm.net/something-constructive-how-to-organize-the-facts-in-your-case/> ; [3]<http://hunterlawfirm.net/more-about-organizing-your-case/> , but I am going to "dig down", for colleagues, and for clients who have extensive facts to organize. If you have a better way, please share it. Feedback is always appreciated.

2. My plan is to explain this method in more detail, to provide some ideas for conducting a "new client interview" and "follow up interview", to provide insights into how I approach mediation, and to provide some insights into how I use the organized information for a trial or contested hearing.

3. The software vendors who sold me on this method are entitled to be credited, even though I feel they have abandoned me. It is a "tough buy" for a sole practitioner with two paralegals.

4. CaseSoft products cost thousands of dollars instead of the hundreds of a few years ago. I wish I could say that it is affordable for a small firm. I cannot. It is as if HotDocs bought Pathagoras. Now that's a scary thought!

5. If you purchase just a basic package, it won't include the module "TextMap", an essential tool for porting text from deposition transcripts, medical reports, and other documents into the CaseMap database. It is a simple application that should not cost \$300 per machine plus an annual subscription! They try to hide the cost, but it is many times that.

6. I suggest you go to the [4]www.casesoft.com site, download the free version and decide for yourself. I think I will do that and update this later with what I learn about new features and pricing. As of now, I will be surprised if anyone reading this feels it is worth the investment, but the underlying concepts are sound. If they are free, spend some time with their tutorials, and adapt the ideas to your own software. Sadly, they have begun to "monetize" their training also.

7. My method uses some basic forms so the client can save money by collecting the puzzle pieces himself or herself. I have inserted "photographs" of my fill-in-the-blank forms, a work in progress, at the end of this article. I will try to remember to update them as we are able to improve them. Write me at hunterjb@hunterlawfirm.net, and we can send you the files as Word or PDF files.

8. Mankind is a story-telling species. We love to share stories. Most of us are not trained in the law or the presentation of evidence, so it does not come naturally to gather it and provide it to your lawyer.

9. And some of us are not very good story tellers; we ramble, digress, lose focus, and forget to document. **Our job as lawyers is to channel that** and turn it into something understandable to the court or jury.

10. So, in preparing for a contested trial, hearing, or even a mediation, we need a method to gather facts and a plan to organize and prove them. That's where a good trial lawyer, with an excellent plan and staff, becomes essential.

11. And, as questions and concerns pop into their heads, we must have a method for recording and cataloging them. That's where "Burt's Top 14Ten Lists", below, come in handy.

The Initial Interview

12. When I first meet the client, she/he wants to give me a narrative (the story), and sometimes he/she becomes a bit impatient, or offended, if I don't let them tell it.

13. I ask them to trust that I have learned some things in 42 years. I explain that I must ask essential questions before it even becomes relevant for me to learn "the story". This allows me to absorb "the story" in digestible bites.

14. Occasionally, the client turns it into a power struggle. Very occasionally, the client makes me realize I do not want to represent that client. So be it. Better to part than later.

15. Another indicator is whether a potential client has bothered to fill in our intake forms. Once I confirm they are of normal intelligence and literate, I carefully explain that working with their lawyer is just that, WORK. It is the client's life, and I need to know she/he is ready to help me gather the facts and do the job to protect them and their family. **Some people simply are not willing to make the commitment in their own case.** Others are simply not able, and they deserve our concerted attention too. I prefer the client who is ready to become a willing partner in the endeavor.

My Method

16. The "three legged stool" of organizing your case has these components: (Please memorize!)

1. **Object lists:**

2. **Burt's "top ten lists";**

3. **A timeline. (Also called a chronology of "facts" by Casemap.)**

Simple, right? Not at all, but if you take it a step at the time, it is manageable.

Objects

17. Here is the simple part. "Objects" are the "pieces of the puzzle". Think of the 1000 piece puzzle you poured out into the kitchen table and finished on a long rainy Sunday afternoon.

Objects are the;

a. People;

b. Documents (paper and digital);

c. Photographs:

d. Places; e. Events;

f. physical objects (the knife or brick); and,

e., every other item that will be included in a detailed narrative of the parties and their dispute.

Here is CaseMap's full list of objects:

Object Types
 All Objects
 Persons
 Organizations
 Documents
 Other Physical Evidence
 Events
 Places
 Pleadings
 Proceedings
 Other Discovery
 Demonstrative Evidence
 Other Objects

18. In a divorce case, the witnesses know about abuse, who committed abuse, who performed the parenting duties, who slept with whom, and much more. Other puzzle pieces are the personal property (moveable items) and real property (land, houses, and commercial property, the debts, the parties' income, the retirement benefits, the credit card debt, medical bills, debts on property, and the pre- and post- separation budgets of the parties. **All those pieces must be present for the Court to "picture" the case.**

19. In a personal injury claim, there are witnesses to the collision, an investigating officer, emergency personnel, photographs, the accident report, cell phone records, medical bills, medical records, journals, lay witnesses who know my client well, expert witnesses, and myriad other "objects".

20. In a land dispute, there are deeds, wills, deeds of trust, angry neighbors (or siblings!), aerial photographs (now usually Google Maps),.....you get the point.

"Burt's Top Ten Lists"

"21. Top Ten Lists" are not usually exactly ten in number, and they aren't jokes in The Letterman show. They are my clients' questions, worries, goals, complaints about the other party, and their wishes.

22. The mediators who work with me sometimes ask, “May I see your list?” because they know my client and I will show up at mediation armed with our lists, so we can check them off and not leave mediation without addressing every important issue.

23. Some clients never run out of questions. I answer them, but I also say, “Be sure to put that down on one of your “top ten lists”.

24. Remember, “object lists” are different. They are the people, documents, e-mails, texts, physical objects, places, events, and organizations that populate the facts of every case.

25. Two rules for my “top ten lists”:

a. Put a title at the top! E.g., “Why he is a terrible parent?”, or, “What do I want from this mediation?”, or, “What she did to abuse our children.”, or, “The reasons I did not cause the collision.”, or, “My symptoms from the collision.”

b. Each item must be concise, 1-2 lines, and numbered in a list, directly below the title.

The Timeline

26. We use the “Object Lists” and “The Top Ten Lists” when we create our timeline of facts. We sort them chronologically. Then we put the important ones into TimeMap in individual flags. It is a handy little app, but hardly worth hundreds or thousands of dollars a year.

27. Some of our Timeline Exhibits are ten feet long. In those cases, I insist on a second timeline exhibit selecting only the very most important items. “Mapping events” in the order they happened is an invaluable tool. Do not go to trial if you have not mapped your events,

28. It is these exhibits that are the “maps” of our presentation. They make up the story that we present to the just or mediator.

29. BUT, instead of a rambling story, our timeline is supported by the witnesses and exhibits we need.

The Interview II

30. There is a fair, but incorrect, criticism of me that I am not a good listener. Being assertive, and anxious to educate, I have a tendency not to listen and even to “over-talk”. How do I combat that flaw? That’s the whole point of my method! I use my brains to work around my flaws, to the benefits of my clients.

31. I only appear to be a bad listener. I ask lots of narrowly focused questions, so I can get to the essence of the dispute.

32. It is hard for my clients, and even opponents, to envision how tens of thousands of hours of experience allow me to learn much from focused, relatively short, answers. I can filter and understand in a way that I never could as a younger man. And, if it is a “yes or no question”, I insist the client answer before explaining. Now that can be really tough!

33. I have to chuckle when some guy whose philandering, drug using, wife is wrapping him around her finger, says, “You don’t understand!” They think they are the only guy who has ever been through this, but I have known dozens/hundreds of them!

Sizing Up My Client

34. I can tell from how a client answers, how good a witness he or she will likely be, and we adjust accordingly.

35. I can turn an average witness into a good one, and a bad one into an average one. If someone breaks down in front of me, I warn them that our opponent counsel might “make mincemeat” of them if they do not learn to stand up for themselves. If true client gets angry, I point out that if they overreact to someone on their side, there is going to be difficulty dealing with a determined adversary.

36. If I ask a “yes or no question” but get an “explanation” in reply, I know they are embarrassed by the answer, so I insist they learn to answer questions directly and explain later.

37. The judge will notice in an instant the witness who will not answer a question. And, I must know the worst the other side will have against us, so I can inoculate my client and my case.

38. We practice until they can answer a simple “yes or no” question, knowing that they will get to explain when I ask them some follow up questions.

Witness Credibility and Accuracy

39. I have written about this before in “Burt’s Lie Detector”, [6]<http://hunterlawfirm.net/burts-lie-detector/>

40. We lawyers must try to gather accurate facts, but WV divorce lawyers do not usually have private investigators at their beck and call. It is essential that we get accurate facts from our clients. I use “Burt’s lie detector” and diligent questioning to a point where the evidence that we gather later usually is quite consistent.

41. It drives me to distraction Lawyers who pontificate, accuse, exaggerate, and fail to test their own clients’ credibility. It is a plague on our profession.

So, Let’s Come Back to My “Method”.

42. I stress to the client that at this stage, don’t leave out any person. It can be a former lawyer, the judge, a spouse or partner, a neighbor, a Facebook friend, school teacher, counselor, grandparent, witness to the collision, or a neighbor. It does not matter that the person doesn’t want to be involved unless they are threatening to lie if called. Even then, sometimes they have to be called, and I MUST identify them.

43. I disclose the whole list, which creates a challenge for my opponent, since they do not know the 3-6 witnesses I will actually call out of perhaps 50 “people objects”.

Discovery and Disclosure.

44. Some lawyers will “hide the ball”; see my post, “Why Play by the Rules”, [7][http://hunterlawfirm.net/wp-admin/post.php?post=247 &action=edit](http://hunterlawfirm.net/wp-admin/post.php?post=247&action=edit) .

45. Such lawyers will answer an interrogatory on a Monday that they know of no potential witnesses or exhibits, and on Friday, the deadline for filing her witness list, they will suddenly discover that they have 35 witnesses and 66 exhibits!

46. That, my friends, is a disingenuous lawyer!

47. We can win and play by the rules, so that’s what I do. It is the same with documents. We grow our list as the documents come in, so it is easy to disclose them when the time comes.

The Pretrial Memorandum and/or Proposed Final Order.

48. Since the Court’s scheduling order includes a deadline for filing a pretrial memorandum or proposed final order, my method is invaluable.

49. The pretrial memo needs a list of all legal and factual issues (disputes), a list of all exhibits, and a list of all potential witnesses and short summary of expected testimony. The proposed final order must have detailed findings of fact and conclusions of law. Thus, the collection of our “objects”, the puzzle pieces, makes perfect sense.

50. My experienced paralegals prepare a draft memo for me, which requires very few major revisions.

Timeline Chronology of Facts

51. For trial, and occasionally for motion hearings or mediation, we used CaseMap’s “TimeMap” module to create the visual timeline. This lists the sequence of events, the documents, texts, e-mails, and FB posts, contracts, deeds, bills, and receipts in chronological order, even the fist fight on the front lawn.

52. “Time Map” is a perfect description of this product. We tie it to our exhibit list, and use it so the judge can nor follow our “story, our “map” of the facts. We check off the exhibits as we present them.

Laying the Foundation for the Admission of Evidence

53. Every exhibit must have a “foundation”. What does that mean? Documents, or even “things”, such as a brick or knife, must be identified or authenticated by a witness. Laying the “foundation” for admission of evidence is a critical skill for a lawyer, and something a self-represented person simply cannot do.

54. During my years as a U.S. Air Force Prosecutor, we worried about “chain” of custody, since exhibits often passed through several hands.

55. My family court clients simply do not have tens of thousands of dollars to pay for meticulous presentation of piece after piece of evidence. Therefore, sometimes I simply have the client attest to the authenticity of the timeline, confirm which items have documentary proof, and “forget” to offer all of that

detail into evidence.

56. I can do that knowing that I know, and the other side knows, I have the documentation to back it up.

57. So, the “timeline exhibit” may have only 1 % of the volume of everything we have but most of the substantive content. It is the tip of the iceberg. It is a strategy for “the real world” of family law where time is money and where money is exactly the thing that the parties usually do not have. **If you want to avoid a trial, convince the other side you are ready for a trial.**

Civil Cases

58. In civil cases, such as a dispute over a boundary line or a will, more exhibits (deeds, wills, contracts) are offered and admitted, but the timeline exhibit remains an essential part of the presentation.

Personal Injury Cases”

59. In personal injury cases, the fees are contingent, so we owe to the client a full presentation of evidence, even when jury verdict expectancies are under \$50,000. **But, the collection of evidence,** police reports, photographs, and “lay witness letters” about the injured party’s symptoms, medical records, and medical bills, **is still absolutely essential.**

60. As I have been fortunate to have many substantial and serious personal injury cases, and, as I usually am able to settle the smaller cases via negotiations, I have several cases a year where I associate with major personal injury firms, who try lots of cases. They assume responsibility as “lead counsel”.

61. I remain local counsel. In all but a small number of cases, I remain actively involved in the case, attending depositions, motion hearings, and mediations. We are the client’s local contact.

62. But, the larger firm takes on the larger share of litigations costs, which can range from \$20,000 to \$100,000. I have privileged to be involved in several “seven figure settlements”. Those cases powerfully impact our clients and our firm. It is my personal injury practice that allows me to have four employees, and to “rub shoulders” with some of the finest lawyers and experts in WV.

Expert Consultants and Witnesses.

“Experts”; what’s that? An “expert” in a case knows more about a subject than an “average citizen”.

Here are some; a mechanic, contractor, real estate appraiser, counselor, doctor, professor of real estate law, and insurance expert.

Finding the right expert can be the key to success or defeat. Sometimes an “expert” doesn’t need to become a witness. For example, there are “conflict counselors” who can help people, or parents and children, to communicate and cooperate. Or the parties can share the cost of a real estate appraiser and “stipulate” to the value of the property. That saves hundreds of dollars. At other times, it is the expert’s opinion that causes the other side to settle.

Stipulations

“Stipulate”; what’s that? Parties can agree that a certain fact is true, such as the time and place of the collision, or the date of birth of their children, or to the testimony a certain witness will give, so they don’t have to be called. We were required to do that in the USAF JAG Corp.

WV lawyers, especially divorce lawyers are absolutely terrible at stipulating. It is stupid and childish, but I cannot get my colleagues to stipulate that we live on planet earth! They should consider it a moral and ethical obligation. And there should be mandatory deadlines and sanctions for a lawyer not to reply timely, or not to stipulate to a fact that later is proven to be true. To the extent there are such rules, they aren’t followed. WV judges just do not demand that of lawyers.

What an unfortunate waste, but law schools must spend zero (0) time on this subject. I have yet to have a WV lawyer do what we JAGS had drilled into us, stipulate, stipulate, stipulate!

Conclusion

The article turned into a book! Below are our intake forms. Print them, and try them. I hope that if you are a smart client, or a lawyer learning the craft, that these ideas are of some use to you.

jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/BurtBest.jpg>
2. <http://hunterlawfirm.net/something-constructive-how-to-organize-the-facts-in-your-case/>
3. <http://hunterlawfirm.net/more-about-organizing-your-case/>
4. www.casesoft.com
5. <http://hunterlawfirm.net/wp-content/uploads/2015/01/CasemapObjectsOnlyBetter.jpg>
6. <http://hunterlawfirm.net/burts-lie-detector/>
7. <http://hunterlawfirm.net/wp-admin/post.php?post=247&action=edit>

Doing the Right Thing, and Not Being Afraid (2015-01-09 21:22)

One of my "crack paralegals" made a gutsy call today that got a client time with his children, under tense conditions. She took a risk, acted independently, and here was my response to her:

"Here's the deal, and here is how I think.

What you did was excellent. I concur. You took a risk. The argument against us could have been we were doing indirectly what he could not do directly. We could have taken considerable criticism if not worse. But.....

IF it had blown up, or if it does blow up, you will not hear a peep of criticism from me.

I don't want you to practice law, but I don't want you to hide under the desk either.

These are real people we represent. We have a chance each day to make their lives go a bit better.

So use your experience, your brains, and my guidance, and make the best choice you can. And I will back you.

If it is a screw up, we will apologize and move on.

Thanks for everything.

Burt"

Give me an employee with guts and brains. I will be thrilled to have her on the team.

9. 2014

9.1 December

My big changes for 2015; (Burt's 2015 New Year's Resolutions) (2014-12-31 17:49)

8. [1]2.



1. I am making a transition from my standard, conventional, Dell Latitude to a tablet!
2. I will have the invaluable assistance of my wife and office manager, Nancy, above, and the best staff a boss could ask.
3. I have ordered a Microsoft Surface Pro 3 (With stylus, docking station, clip-on flat keyboard, wireless keyboard, wireless mouse, and dual monitors, one landscape and one portrait.).
4. After living with agonizingly slow boot times for decades, it will probably pay for the ma-

chine in my first year with time savings.

5. Speaking of fast boot speeds, we will continue to back up my "main machine" with my iPad and iPhone. We will remain connected in "the cloud", via DropBox, iCloud, SkyDrive, Outlook, Microsoft Office 365, and so many others.

6. And, we will persist in shredding decades of paper files. We have not taken a closed file upstairs for nearly four years.

7. The goal we are approaching is "paperless storage"! We save our "closed files" digitally by scanning everything that comes in.

8. We return file to client if she/he wants it; otherwise, we shred and give them a digital copy on a thumb drive with a copy of my 550 page book!

9. This year we hope to sell/dispose of 30 years' worth of printers, computers, modems, memory cards, manuals, camcorders, cameras, and cell phones (all our old cell phones!). We may even take another shot at getting our kids to take their "stuff".

10. I will spend a "working vacation" at the beach, editing and reorganizing my "blog books".

11. I will take a couple dozen computer courses.

12. I will attend 60 hours of CLE (continuing legal education).

13. I will reevaluate how I communicate on the Internet, personally and professionally.

14. My goal is to push the limits of communication and education, including at least 50 more blog articles.

15. I will live this year as if I am approaching the beginning of the last decade of my professional career.

16. To this end, I must attend to nutrition, health, fitness, and weight!

16. Continuing goals, until I should decide to "hang it up", are to improve professionalism, efficiency, effectiveness, and compassion, especially the latter.

Happy New Year to Everyone!

jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/10842614171151CDP.jpg>

[1]



I recently completed a fairly ambitious article setting out my efforts to create an Internet presence. [2]<http://hunterlawfirm.net/social-media-annual-review-marketing-for-the-sm-all-firm-lawyer/> It occurred to me that my technology works because I have the underlying “bones” or foundation for a well-run office.

This article should be helpful for a new, or a struggling, lawyer. It should be helpful to an established lawyer if that lawyer has been “going through the motions”, or mindlessly doing things “the old way”, or who just wants to share ideas. .

It is critical, in the daily hustle, to step back and consider our goals and how we can achieve those goals.

Here are some suggestions, in no particular order. Call (304 472-7477) or write [3]hunterjb@hunterlawfirm.net if you have any questions.

1. Communication is a key , so here are two tips:

- (a) **When you have to write someone and be able to convince the Court you reached them or at least tried in good faith, send it regular mail, and certified mail – return receipt, and attach a “certificate of service”.** A "certificate of service" is a written statement, signed by the lawyer, of the type of mail he used, the recipient, the address, and the date. Even if the recipient refuses to sign for the certified mail (as they do approximately half the time), the fact the regular mail does NOT come back, and that you tried both methods, will almost always satisfy the court, at least as to your good faith. And, since people are often reluctant to sign the return receipt card, it greatly increases the likelihood your message will be read.
- (b) **Use e-mail thoughtfully.** Lawyers may not communicate directly with a represented party. That is unethical. So, while not listing the opposing party in the address line, **I find that e-mail is still a very effective method to communicate**, with no additional cost for copying your own client, your paralegal, and blind copying your other staff, receptionist, billing, timekeeping, so they know what is happening in the case. You can include your expert, your co-counsel, the guardian ad litem (lawyer appointed to represent an infant or person under a “legal disability”), the clerk of the court, and, in juvenile abuse and neglect cases, “child protective services”. It is especially helpful that your “expert” be kept informed of developments, and that your client’s own insurance representatives know the status of a claim. By keeping everyone in the loop, you can move a case forward, “tickle” those who don’t have their own "tickler" system, and foster better communication. I “copy to” others even when we use “snail mail”, believing the small extra cost is worth it.

- 2. Follow up your communications: I mentioned a “tickler system” above.** Space prevents a discussion of powerful practice management applications. Mine is “self-made” and harks back to my “Appleworks” suite of spreadsheet, database, task, contacts and calendar which I devised in 1981!
- 3. Here is the rule: NOTHING GOES OUT WITHOUT HAVING A REVIEW DATE**, 2, 3, or 4 weeks out.
- 4. AND, one or two people in the office is/are tasked with reviewing the dailing “suspense file” at the beginning of EVERY work day.** This simple rule, ignored by many of my colleagues, is a key to staying on top of things.

5. **Want a “ ’70’s” way to do this?** Just get a plastic bankers box. Put 31 hanging folders into it. Number the folders 1-31. Put your file copy of the days mailings into the appropriate slot, 2,3, or 4 weeks away. Then, 14, 21, or 28 days later, your staff will pull the document(s) in the folder(s) and act on it?
- (a) **Most will be filed (if an appropriate reply or action has happened) or an automatic follow-up date created.**
 - (b) **Staff should be trained that if 2-3 follow ups have been "suspended" and no reply received, to alert the attorney.**
 - (c) **I usually persist by referencing and attaching the multiple requests we have made.**
 - (d) The recipient and I know that these long strings of requests may eventually reach a judge or reviewing authority. So, better to document, document, and document your efforts to get a reply.
 - (e) **I try never to make a threat that I am not prepared to carry out,** and, as for threats, remember that just getting a letter from a lawyer can be a threat. There is no need to be accusatory or heavy handed.
6. **When I told my former USAF JAG office secretary, Cathy, in 1992, that I still followed the system that she taught me in 1972, she laughed** and said, “Oh, we have used a computerized calendaring program for years! Now we do too, but whatever "suspense system" you use, must be reliable.
7. **Another great tip: CHECKLISTS!**
- (a) **As you will learn if you read “The Checklist Manifesto” by Atul Gawande, every system benefits by meticulously thought out checklists.** We have checklists for :
 - i. Hearings;
 - ii. Phone conferences;
 - iii. Meetings with clients;
 - iv. Mediation;
 - v. File opening;
 - vi. File maintenance;
 - vii. File closing;
 - viii. Personal injury claims management;
 - ix. Appeals, and;
 - x. Many more.
8. **Forms: We have dozens of forms:**
- (a) Intake forms;
 - (b) Telephone intake;
 - (c) Organizing the facts in a case. They are the three “legs” of a solid stool:
 - i. Object list worksheets;
 - ii. “Burt’s top ten lists” of concerns, goals, and questions.
 - iii. The timeline.
 - (d) Family Court Forms:
 - i. Financial affidavits;
 - ii. Blank parenting plans;
 - iii. Application for service of the Bureau of Child Support Enforcement (B.C.S.E.);
 - iv. Caretaking Functions worksheets;

- v. Equitable Distribution worksheets;
- vi. Proposed Equitable Distribution Spreadsheets (prepared by the lawyer using Microsoft Excel, with the client, and submitted to the court and the other party before mediation.)

9. **And we have dozens of handouts for clients** (It helps to have 250 blog articles “in the can”.) My stuff isn’t “copy-writed”. Any colleague can “borrow” them.

- (a) Hunter’s letter to new clients, explaining who he is and how he and his staff interact with clients;
- (b) Legal Checklist: a listing of items that most people must attend to, powers of attorney, medical powers of attorney, wills, insurance limits review, potential legal controversies. My years as a Preventive Law Officer in the USAF JAG Corp. helped my approach to preventing legal problems.
- (c) “How to Organize the Facts in Your Case”;
- (d) How to avoid problems in your family law, personal injury, and civil dispute case relative to “social media”;
- (e) “The Law of Equitable Distribution in WV”;
- (f) The factors considered by the court in determining alimony;
- (g) What NOT to do during the process of your divorce;
- (h) What to do and not to do in the process of your personal injury claim or civil suit.
- (i) Specific warnings regarding Social Media; and,
- (j) Many, many others.

10. **My personal tips:**

- (a) Dress appropriately. There are days for blue jeans, but hearings and mediation require coat and tie.
- (b) I come to work by 7:00 a.m. on most mornings, and have a two hour head start on most of my competitors;
- (c) I have several capable staff members to delegate work to.
- (d) I try NOT to “bawl out” a subordinate for mistakes made while taking on new challenges. My better employees are not afraid of me, or of taking risks; nor should they be. I need them to be fearless but careful.
- (e) I keep my staff supplied with the best technology we can afford.
- (f) I reward them for getting our clients to write favorable reviews. It is not natural for them to ask for a review.
- (g) I show great flexibility for my staffs’ personal schedules and obligations. They appreciate that and are committed to covering for each other.
- (h) I have a “secretaries’ fund”, a percentage of our gross receipts, that goes into a fund, distributed at the end of the year. It is a decent retirement plan and something most small firms do not have.
- (i) We have always provided our staff medical insurance.
- (j) We treat each other like family. I am not a patient man, but I am told I am a good teacher, and some even imply I am a good boss.

11. **Finally, the members of this firm are driven to serve and makes lives better.** We also want to make to make money, so our goals are:

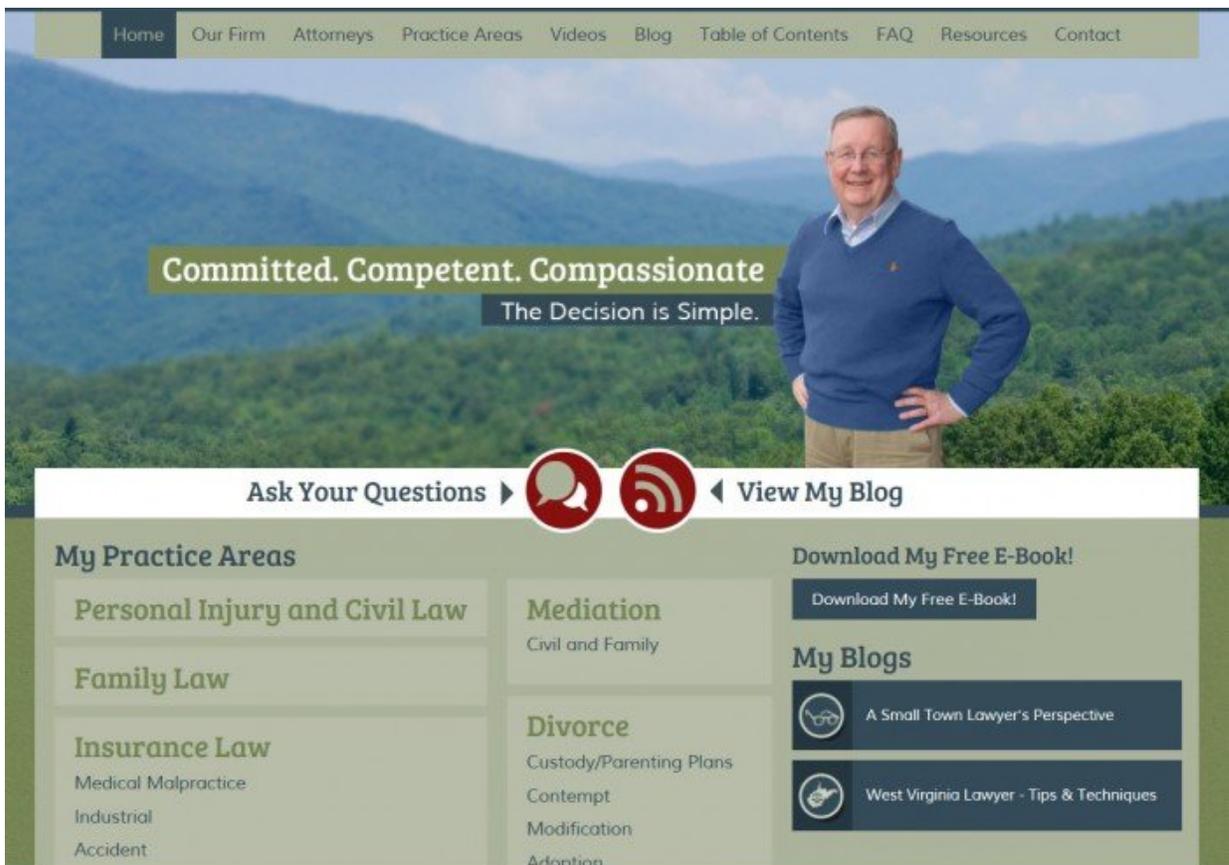
- (a) **Serve the clients and their families;**
- (b) **Maintain a sterling reputation;**

- (c) Trust that the clients and the money will flow from numbers 1. and 2.
- (d) Have methods, checklists, systems, facilities, and equipment, and procedures to let us accomplish these goals.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/BurtBest.jpg>
2. <http://hunterlawfirm.net/social-media-annual-review-marketing-for-the-small-firm-lawyer/>
3. <mailto:hunterjb@hunterlawfirm.net>

Social Media Annual Review - Marketing for the Small Firm Lawyer (2014-12-23 13:31)

[1]



The heart of my Internet presence is my professional website, mentioned below:
 [2]<http://www.hunterlawfirm.net>

Pulling all of these threads together into a coherent whole is a challenge. So let me number some sentences and see where it leads me. I have written on this subject before:

1. "How I Got My Score Over 50 on Klout.com, Bird by Bird": [3]<http://hunterlawfirm.net/how-i-got-my-score-over-50-on-klout-com-bird-by-bird/>
2. The Illusion of Klout.com - A Lesson in Ego Deflation:[4] <http://hunterlawfirm.net/the-delusion-of-klout-com-a-lesson-in-ego-deflation/>

I learned a valuable lesson when Klout.com reset my Facebook privacy settings to "public" giving me a lot of "Klout" apparently, while giving the world access to my "friends only" personal FB information and timeline.

Recently a colleague gently chided me for "self promotion". I plead guilty to "self promotion" if it means that I aggressively market myself by sharing information with potential clients, clients, colleagues and even judges. And I try to be as visible on the WEB as possible. This fits perfectly with my "hobbies" of reading, tracking technology, and keeping friends and family connected.

A savvy FB Friend explained to me that even our personal FB postings are part of our personal "brand", the way we want the world to view us. Whether we send out game invitations, reposts of kittens, America's Funniest Videos, political or religious reposts, or our own substantive content , **we who elect to be visible on the WEB want to create an impression** . I want people to believe I have boundless energy, good humor, valuable experience, a good heart, and brains. Against my best intentions, I "over-do", but perhaps even that helps convince people I would be a good guy to have on their side.

I remind you here of the fundamentals:

1. **This will not work if you do not have something to say.**
2. You will not have something to say if you do not have passion and brains and if you do not read and listen.
3. **If you lack these things**, you will need to rely heavily on those who do, but they probably don't know your business, or your practice, or you.
4. **This article is written for someone who likes to test the power of the Internet**, to explore its potential, to write, to take photos or make videos, and to market something.
5. **An example , of course, is a solo or small law firm.** But I think it is suitable for a café or restaurant, for a gift shop, or small contractor, or a community organization, or a charity.
6. **You are going to have to devote 2-15 hours a week to this endeavor.**
7. If you are ambitious, I assume you do not mind working, say, 60 hours a week. Why not spend 10-15 hours helping the right people find you?
8. **Developing the tools to do your job probably needs to be fun to you.** Other lawyers are interested in the law per se. They are "scholarly" and/or they have dedication in analyzing subjects that, to me, are pretty dry and boring. I admire them, and when I have no other choice, I emulate them.
9. **A sole practitioner, even one like me who has 4 employees, has to be the lawyer, the marketing director, the business manager, and the buyer of software and hardware.** We have to establish our "game plan".
10. **My "content" comes from my writing**, my blogs, and my posts to FB, Linked In, and Twitter.

11. **If you are new to your community, your business, or your profession, I suspect the "tried and true" methods are still important.** Church membership, boards, charities, and youth organizations all need volunteers.

12. **Over the years,** I have been in the Rotary, the Chamber of Commerce, the Progressive Bank Board, President or VP of our Senior Center, Chair of the United Way, board member of The Arts Alliance, chairman of the WV Trial Lawyers' "Peoples Law Schools", 17 years a youth soccer coach, organizer of computer fairs, and computer clinics, and was even an amateur auto racer who wrote his own news reports. Our firm sponsored a bicycle safety "road-e-o", and bought helmets for children in the community.

13. **If you do not care about your community, it probably won't care that much about you.**

14. For the first time, **"The (new) WV (Lawyers) Rules of Professional Responsibility"** identify a **responsibility of a lawyer to become "tech savvy"**. I emphatically agree!

15. **I wrote "How to Set Up a Tech Savvy Legal Office" four years ago:** [5]<http://hunterlawfirm.net/how-to-set-up-a-modern-tech-savvy-legal-office/> .

16. My Blackberry Curve evolved to an iPhone 4s, iPad, iPhone 5, and new iPad. Next on the list, a Microsoft Surface Pro 3 for January, 2015.

17. **"How to I get the Information I need?** There are websites, blogs, podcasts, tech classes, books, Kindle e-books, TED Lectures, and college courses through The Teaching Company and the Khan Academy, [6]<https://www.khanacademy.org/>. **The wisdom of the world is at our fingertips,** as it the "garbage" of the world.

18. Two essential aids online are Wikipedia, [7]<https://www.wikipedia.org/> and Google Scholar [8]<http://scholar.google.com/> .

19. [9]

WIKIPEDIA

English

The Free Encyclopedia

4 669 000+ articles

Русский

Свободная энциклопедия

1 170 000+ статей

Español

La enciclopedia libre

1 144 000+ artículos

Deutsch

Die freie Enzyklopädie

1 786 000+ Artikel

中文

自由的百科全書

800 000+ 條目



日本語

フリー百科事典

937 000+ 記事

Français

L'encyclopédie libre

1 570 000+ articles

Italiano

L'enciclopedia libera

1 162 000+ voci

Português

A enciclopédia livre

855 000+ artigos

Polski

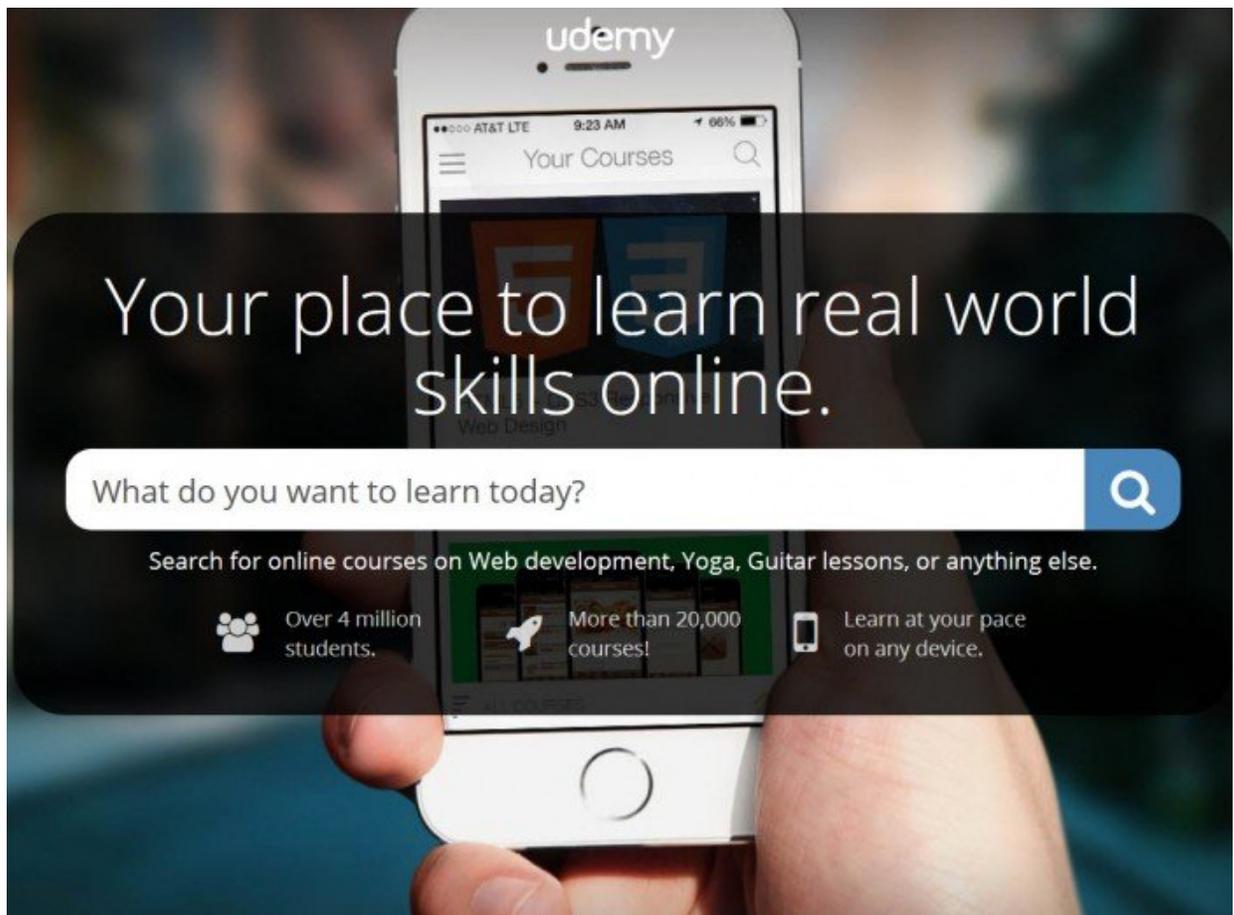
Wolna encyklopedia

1 080 000+ haseł

20. **Anyone who travels needs a Garmin, Google Maps, Google Earth, and/or MapQuest and Yahoo Maps.** Map reading, of course, is becoming a lost art.
21. **If you are going to market yourself, you are going to have to spend some money.** I gave up my \$1400 West/Thompson Findlaw website. But, advertising still costs \$2000- \$3000 mo. If you do not have that, these "cheap" tips are even more important to you.
22. Now [10]www.hunterlawfirm.net takes you to the site I built with the help of a local team of graphic artist and programmer. Cost? @ \$4000.
23. **With that savings, I was able to double my current Yellow Pages budget.** Yes, West Virginians still find services through the Yellow Pages!
24. **Also, I am paying a monthly stipends** to my programmer, Dan, to [11]Avvo.com, to [12]SuperPages.com, and to [13]Justia.com.
25. **As for the pages below such as AVVO.com, Superpages.com or Yelp.com,** all I can say is **claim, claim, claim** your page, profile, or site!!!
26. **So, let's dive in and find, in no particular order, some of the resources I use.**

Resources:

1. **Here is the link to the PDF file of a rough version of my "book"**. It is a compilation of all my blog articles, with a "Table of Contents": [14]<http://hunterlawfirm.net/book.pdf> . You can also download it by visiting my professional website: [15]<http://www.hunterlawfirm.net> .
2. **A fellow with the announced goal of getting 100,000 YouTube followers is "techy nerd" Steve Dotto**, a Canadian. Steve has good free videos on the organizer Evernote, the task manager Wunderlist, and many tools of Internet marketing: [16]<http://www.dottotech.com>
3. **My son John likes Michael Seltzer and The Social Media Examiner**, especially for the amount of free and useful content: [17]<http://www.socialmediaexaminer.com> .
4. **Here is a recent podcast from Social Media Examiner**: [18]<https://itunes.apple.com/us/podcast/social-media-marketing-podcast/id549899114?mt=2>
5. **A good source for online courses on subjects tech is Udemy**: [19]<http://udemy.com>
6. [20]



7. **My favorite source for tech training has been the site Lynda.com**, [21]<http://www.Lynda.com>, because I thought the fee was \$9.99/month, BUT my wife Nancy advises me that we have been paying

out \$37.50. That upsets me a lot, and I will probably cancel, but I have had over a dozen worthwhile courses, and many other partials. Not so bad if compared to \$300 continuing legal education seminars.

8. [22]

The screenshot shows the Lynda.com website. At the top, there is a navigation bar with the Lynda.com logo, a search bar, and links for "Become a member", "Give a gift", and "Business, schools & government". Below the navigation bar, there is a "Browse the library" button and a search bar. The main content area is divided into two sections: "New courses" and "10-minute tips".

New courses

12/19/14: The Fundamentals of Document Retention and Data Management

12/19/14: Mapping the Modern Web Design Process

12/19/14: Up and Running with Maschine 2

12/18/14: WordPress Essential Training

12/18/14: Brainstorming Basics

12/18/14: The Five-Step Creative Process

10-minute tips

Video Gear Weekly : Dec 19
Working with a wireless mic (1:29)

Productivity Tips for Web Designers : Dec 18
Cleaning up redundant and unnecessary code (5:19)

The Practicing Photographer : Dec 18
Creating an unaligned HDR image (3:03)

Video Post Tips Weekly : Dec 17
Introduction to creating vignettes for video (0:39)

Management Tips : Dec 17
Dealing with inappropriate comments (2:43)

View where you last left off. Not a member?

9. I could not get my coupon to work, so I never logged on, but Grovo, [23]<http://www.grovo.com>, advertises heavily as a "player" on online tech training.



10. [24]

11. [25]

Learn the digital skills you need to perform better at work

Start learning — free

Training an organization?



Attention



Documents



Communication



Security



Platforms



Search & Research



Project Management



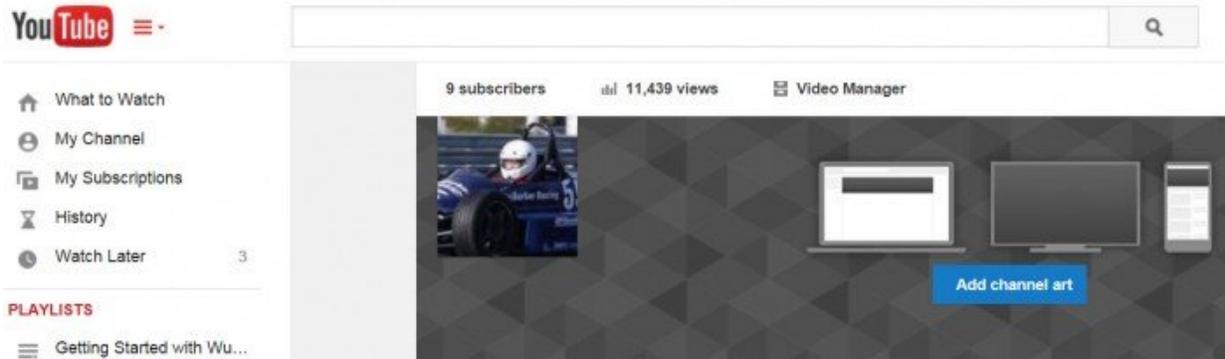
Digital Etiquette

...and hundreds of other digital topics

12. So, far I have had limited success with my videos. Here is an example, Introduction to J. Burton Hunter III [26]<https://www.youtube.com/watch?v=BlwD2-VB-Po>.

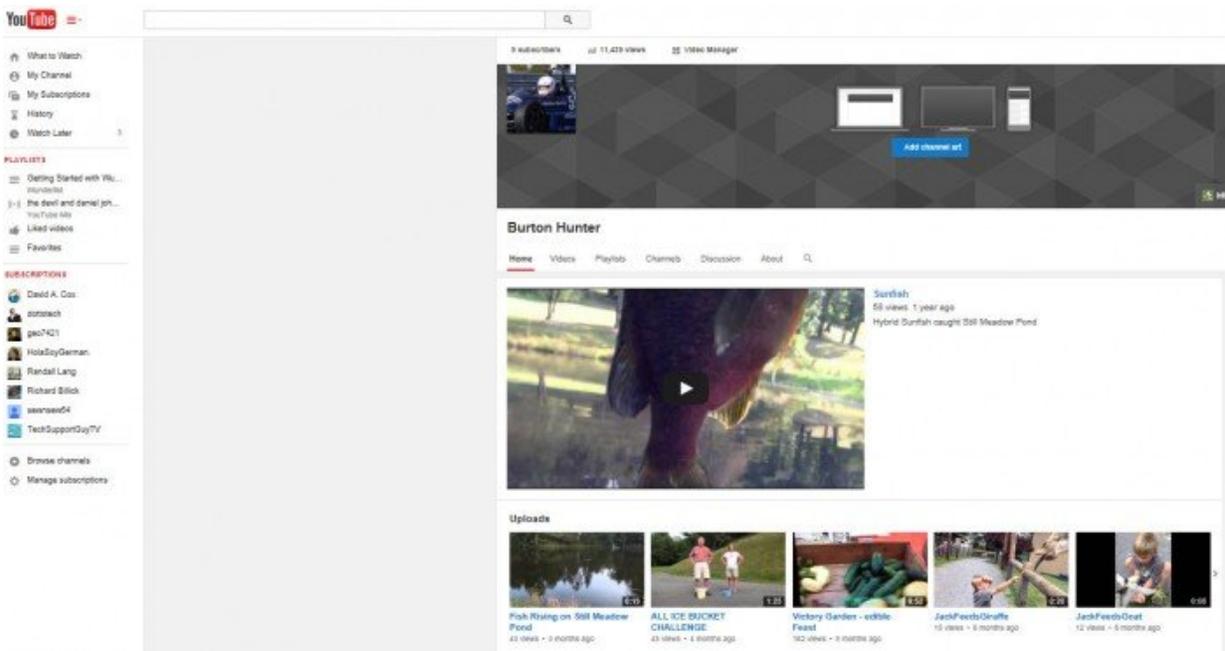
13. And here is the link to my website's videos:[27]<http://hunterlawfirm.net/videos/>.

14. Here is my YouTube Page: [28]



15. The combination of skills needed for YouTube for business is considerable, and I have managed to mix my professional and my personal videos, so it is, at best, a "work in progress".

16. [29]



17. **We began earlier this year, 2014, politely to ask our clients for reviews . We realized we had to make finding the sites to post reviews easier.** With practice, we were able to get 20-30 reviews posted, most of them five stars. Here is an example!

18. [30]

 **All around great attorney!**
5.0 ★★★★★

Mr. Hunter and his team are always helpful and quick to respond to your needs; keeping you informed every step of the way. My case was settled quickly and with ease, allowing for a partial refund of my initial retainer fees. I highly recommend J. Burton Hunter Law Firm. Despite his somewhat hard exterior, Mr. Hunter is a motivated, intelligent and all around great attorney!

By [perrine123](#) October 22, 2014 at 12:27 PM

 Tweet 0  +1 0  Like 0

 **Incompetent at best.**
1.0 ★☆☆☆☆

This man is an overpriced, arrogant jerk. He utterly failed in my case and charged me over \$3000.00.

By [jaynajain](#) June 28, 2014 at 08:39 AM

 Tweet 0  +1 0  Like 0

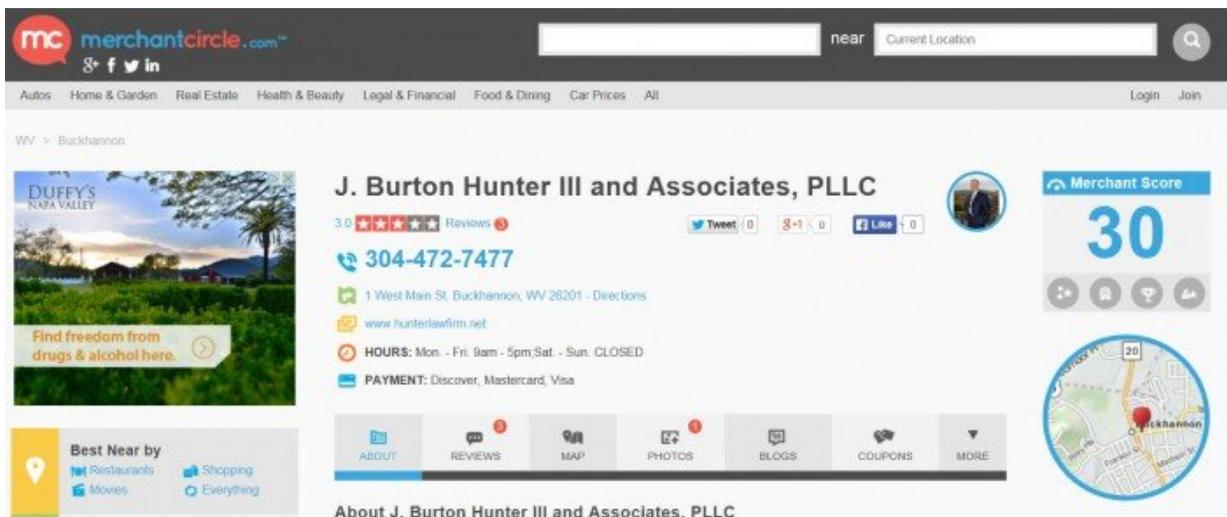
 **Best Lawyer in Town!**
5.0 ★★★★★

I have engaged the services of Burton Hunters' law firm several times over a period of many years. He has plenty of experience in law and keeps well informed. What I actually like the most about Mr. Hunter is his direct questioning of one's (my) intent and his forthrightness in questioning one's (my) logic. I like the results of clarity that such questioning evokes. And because of these in-depth conversations I have found him to be decent and honest in his approach to a specific project, the results of which is always based on the law. I highly recommend Burton Hunter III as a lawyer one can trust to give good solid advice.

19. **So, who is Jayna Jane?** We checked her other review and discovered she had also trashed a popular local mediator. I remembered a lady who negotiated a full settlement. Our attractive, female, mediator used charm and her forceful personality to convince the husband to make some concessions. My client and I even commented on how much she was able to influence him. When the client had "second thoughts" the next day, we met, and I got her to concede that the agreement was the best we could do, and it certainly made no sense to go to court. The client testified, under oath, that she was satisfied with the compromise, and the Family Court approved it as fair, but for some reason she was not happy, and she took it out on me and our mediator. Successful mediations save clients thousands of dollars, but they are COMPROMISES.

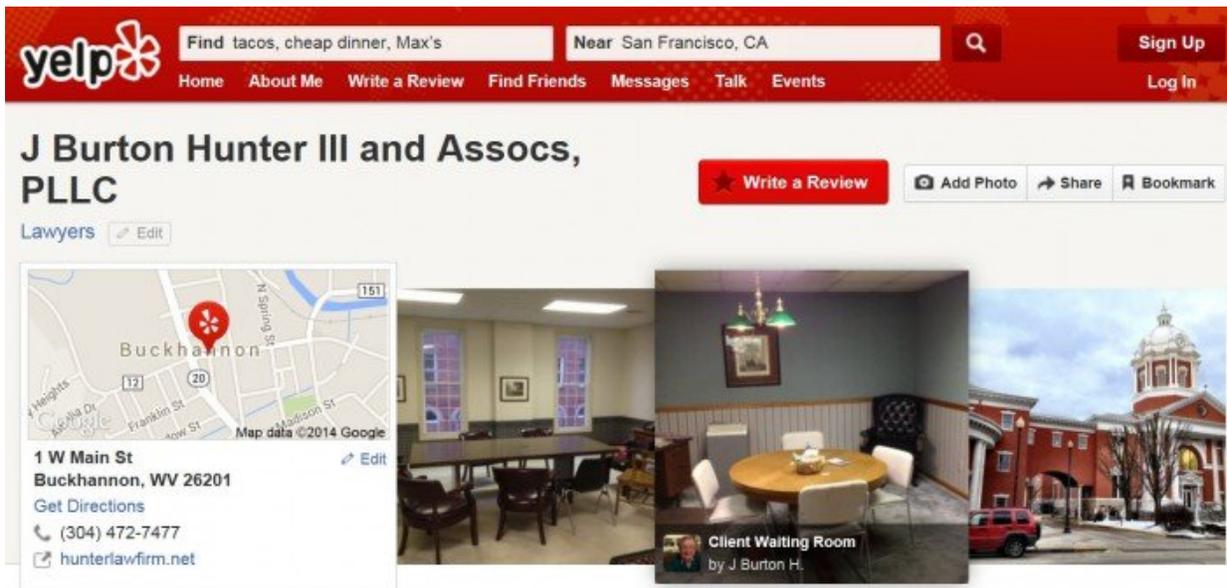
20. **That review hurt my "Merchants' Circle" score, below:**

21. [31]



22. **Even though Yelp is tailored to businesses such as restaurants, I think it makes sense to claim your site and create a profile.** If someone posts a positive review, great! But, if we get a negative one, we can guide our next 3-4 satisfied clients to this site, until the damage has been repaired.

23. [32]



24. Note that Yelp has a map to my office, and allows me to post several attractive photos, and it's free!

25. **I have linked my blogs posts to my FB personal and professional pages, to my Linked in page, and to my Twitter feed.** I have yet to understand Twitter, but I keep Tweeting! Here is my Twitter page.

26. **This is my Facebook professional page:**

27. [33]



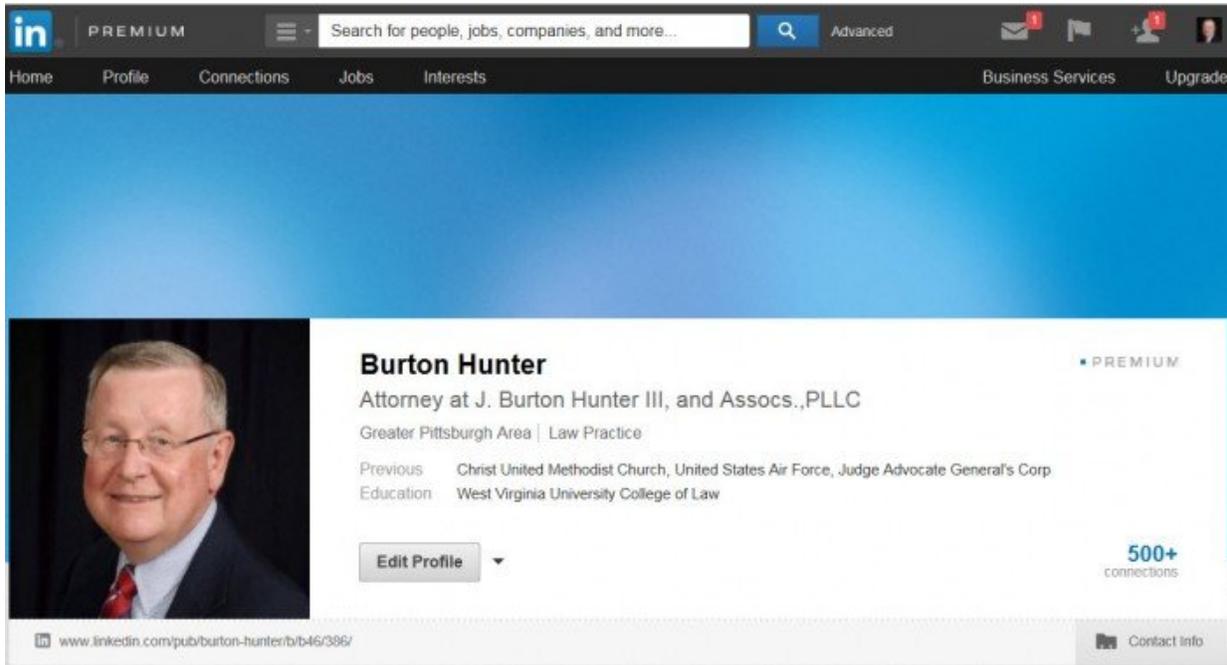
28. **And this is my my Facebook personal home page.** My friends are up to @ 750, and my FB friends are so kind to me. I share my views on most everything.

29. [34]



30. **And this is the home page to my Linked In site.** I am fortunate to have had a decent photo by a professional (our church directory) photographer. I have tried to get this one to all of my sites.

31. [35]



32. Another listing; I think it is Lawyers.com , owned by Martindale Hubbell, or Findlaw.

33. [36]

Updated 2/20/2014

Your profile? [Update now](#)

J. Burton Hunter, III, and Associates, PLLC



One West Main Street
Buckhannon, WV, 26201 -2235

Phones: 304-472-7477

Fax: 304-472-0641

[Contact Us](#)

www.hunterlawfirm.net

burtonhunteresg.blogspot.com/

34. **Also owned by Martindale Hubbell is the Martindale Hubbell site.** My monthly contract for this lawyer and client peer rated site is \$136/month.

35. Justia is another well-known site, and my other paid site:

36. [37]

JUSTIA Lawyers Search Legal Issue or Lawyer Name in Bu

Justia > Lawyer Directory > West Virginia > Upshur County > Buckhannon > Mr. J. Burton Hunter III

[Edit your profile.](#)



Mr. J. Burton Hunter III ✓ 

Competent, compassionate, committed, and innovative.

Contact: 304.472.7477

Experience: 42 years

Law School: West Virginia University College of Law - West Virginia University

Jurisdictions: West Virginia
4th Circuit

OVERVIEW OVERVIEW

37. [38]

JUSTIA Lawyers Search Legal Issue or Lawyer Name in Buckhannon, WV

Justia > Lawyer Directory > West Virginia > Upshur County > Buckhannon > Mr. J. Burton Hunter III

[Edit your profile.](#)



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Jurisdictions: West Virginia
4th Circuit

OVERVIEW OVERVIEW

Publications

Websites & Blogs

Social Media

Contact & Map

WEBSITES

Website

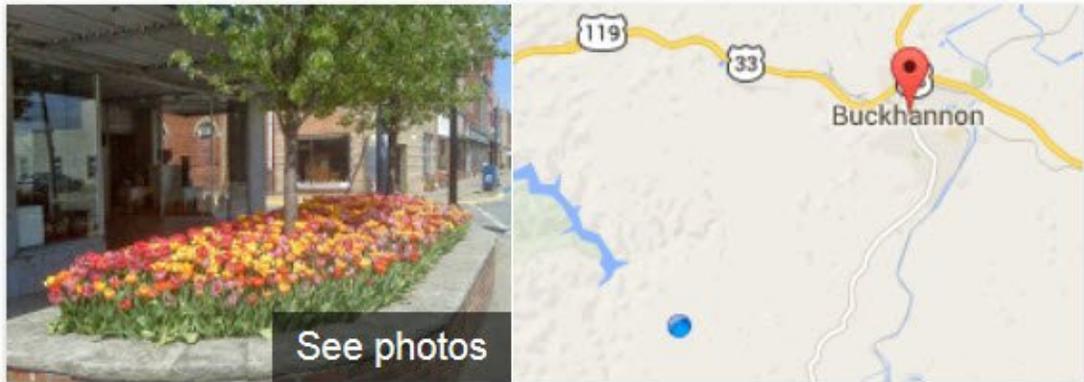
About Mr. J. Burton Hunter III

Small Town rural kid; 4-H Clubs, Methodist Youth Fellowship, Linsly Military Institute. WV Wesleyan College, WV Univ. College of Law; USAF JAG Corp. Small Town lawyer in North Central WV for 38 years.

Practice Areas

Personal Injury
Family Law
Domestic Violence

38. This is the first page of the Google search for J. Burton Hunter III. Note on the right, the insert from Google Maps.



J. Burton Hunter, III And Associates, PLLC

[Directions](#)

4.9 ★★★★★ 8 Google reviews

Divorce Lawyer • 4.9 mi

Address: 1 West Main Street, Buckhannon, WV 26201

Phone: (304) 472-7477

Hours: **Closed now** · [Hours](#)

Reviews

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"Thank you, **Mr Hunter** for all your outstanding work."



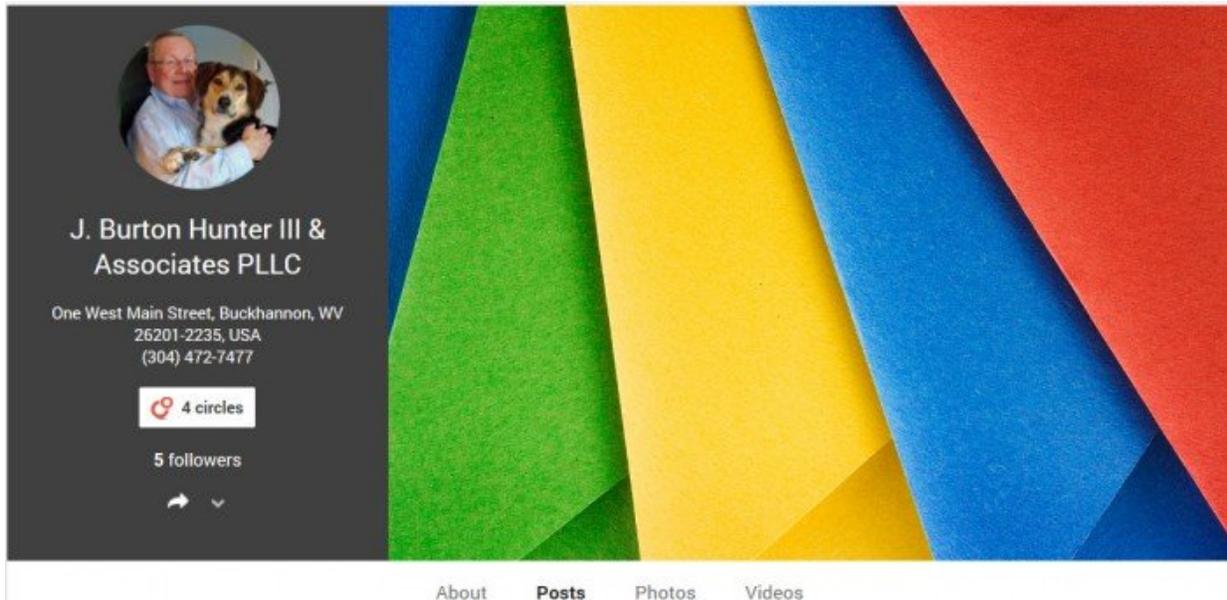
"I recently had a child custody case and used Burton Hunter."

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42. And this is my Google + page:

43. [40]

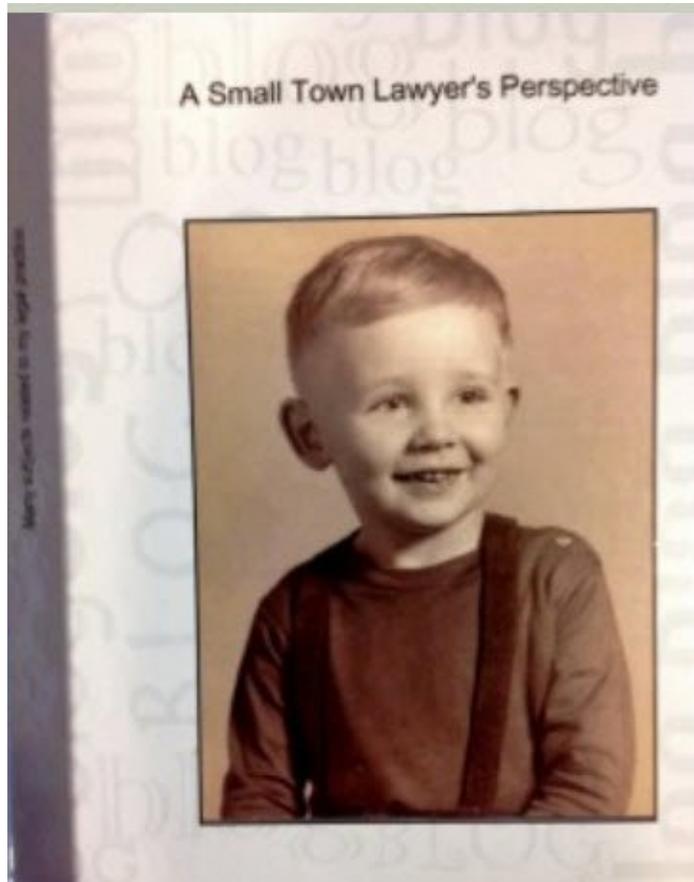


44. **FourSquare is another site focused on retail food establishments**, but my identifying data is there:

45. **Findlaw used to host my website:** \$1400/month! It is still a major site, so I make sure my profile is complete. My guess is that for \$50/ \$100/month, you could get a plan similar to Justia or Avvo.

46. **An early version of Perspectives of a Small Town Lawyer**, one of the few "hard copies" I own, featured my 60 year old second grade picture, which demonstrates I have a rather interesting perspective of the law and our world as they have changed over time.

47. [41]



48. **The page below shows some of the power of the Internet. I noticed the AVVO logo on a friend's e-mail signature.** He gave me some valuable tips. I checked Buckhannon lawyers, and we were all rated a mediocre 6.5 "Fair". Over the course of a couple of weeks, and thanks to staff and some kind clients, I became a 10.0 "Superb". An interesting component of this site is we get questions in our practice areas which we can answer and "earn points". I have done this and believe I have helped several people. With a well-claimed "profile page", I agreed to pay AVVO.com \$100/mo. for placement in half dozen WV counties. [42]<http://www.Avvo.com>.

49. [43]

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Also known as J. Burton Hunter III, John B. Hunter III

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Avvo Rating **10.0**
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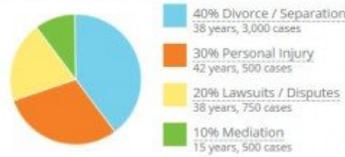
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In Summary:

1. **Somehow get a website; or at least a blog using something like Blogger.com**
2. **Write a dozen good articles.**
3. **Find the dozen or so sites above, and claim your profile.**
4. **Complete your profile carefully!**
5. **Be consistent with your name, spelling, photo, etc. THIS IS VERY IMPORTANT.**
6. **Anything you post to your blog should go to your personal and professional Facebook, to Twitter, and to Linked In.**
7. **Have your secretary contact your best clients for the prior years. Send the client the link to the site where you need the review. Send the client links to some good examples.**
8. **Incentivize your staff. If they are like mine, asking for praise doesn't fit easily. Pay a \$25 bonus for each 4 or 5 star review. But I stress, ASK, DON'T BRIBE YOUR CLIENTS FOR REVIEWS!**
9. **Never, never, never, fake a review! It is ok, in my opinion, to avoid the "horse's ass" who you who refused to listen or follow your advice. There are difficult clients or unhappy results even when you did a good job. It is best to leave such clients be. Your staff almost unfailingly knows who is satisfied. AND, if your staff is like mine, the most gushing reviews mention how wonderful they are.**
10. **Take online training courses, with Lynda.com, Udemy, Grovo, or Steve Dotto or Michael Seltzer on Facebook, Linked In, Twitter, Google Ads, and YouTube.**
11. **Own decent equipment. By now your main machine should be Windows 7 or 8.1; you should have a "smartphone" iPhone or Android, iPad, and/or Surface Pro 3.**
12. **Have a good camera. Your video can be your iPad.**
13. **Don't forget a flatbed scanner, and Fujitsu ScanSnap scanners at every desk!**
14. **Get started listing your tasks on Wunderlist, and with some discipline, you will soon be an Internet presence.**
15. **jbh**

1. <http://hunterlawfirm.net/wp-content/uploads/2014/12/JBHunterLawFirmHomePage.jpg>
2. <http://www.hunterlawfirm.net/>
3. %20<http://hunterlawfirm.net/how-i-got-my-score-over-50-on-klout-com-bird-by-bird/>
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41. <http://hunterlawfirm.net/wp-content/uploads/2014/11/Burt2ndGrade.jpg>
42. <http://.www.Avvo.com/>
43. <http://hunterlawfirm.net/wp-content/uploads/2014/12/Avvo.jpg>

WV Supreme Court Rules People May Not Agree to Leave Each Other Alone. (2014-12-13 03:52)

I have the greatest respect for our judges and justices. They have a tough job. And, by my oath as a lawyer practicing in WV, just as when I was a member of the United State Air Force JAG Corps, I was obliged to show respect to those in authority. It is sometimes hard to separate the office from the person. Occasionally, against good intentions, the judge knows I think her/his ruling is utterly stupid. Well, our WV Supreme Court just made a doozy of a mistake, impacting perhaps 500 family law orders I have prepared and had

entered and thousands in the State. Here is the case [1]http://www.courtswv.gov/supreme-court/memo-decisions/fall2014/14-0042mem_o.pdf; it is: (sorry if this link is no longer alive: the pending case is Riffle v. Miller.)

David J. Riffle v. Shirley I. Miller , a Harrison County case issue Nov. 24, 2014.

The Riffles agreed, and put in an order that they would leave each other alone. What could be wrong with that? We can contract to do pretty much anything, sing an aria, play a ball game, deliver a shipment of widgets, or buy a house.

Their order was "mutual". They did not ask the Court to find either of them to be "the bad guy". They just agreed to be nice.

Apparently Ms. Miller later decided NOT to be nice. So, the family court found her to be in contempt, and said she could purge herself of contempt by leaving Mr. Riffle alone for two years.

Apparently, not wanting to be nice or leave Mr. Riffle alone, and not wanting to be bound by her own agreed order any more, Ms. Miller appealed. The Harrison County Circuit Court agreed with her, and reversed the family court.

The WV Supreme Court sustained the circuit court.

NOW, IN WV a family court may NOT order to people not to call or bother the other against that person's wishes unless they want to enter the bizarre world of domestic violence court.

In a bizarre twist, a unanimous court, none of whom are "in the trenches" with those of us who are, ruled a mutual restraining order (I prefer "mutual no unwanted contact order") must be tied to our domestic violence statute and can only be entered if there are findings of domestic abuse.

They have taken away the most simple, practical, tool we had to keep people OUT OF domestic violence and criminal court. What were they thinking?!

This is a very, very, very bad ruling, which misses entirely the fact that being pestered, bothered, constantly texted, embarrassed at Wal-Mart, or otherwise "bugged" is something we all have a right not to happen to us, and which we should all be able to enter into a binding agreement NOT TO DO!

It is a huge ruling against women, since they are the victims of such behavior more than men. But, it's interesting that Ms. Miller was the violator here.

If two people divide their property, and their debts, work out alimony and attorney fees, reach a parenting plan agreement, agree on child support, parenting time, and all other issues, AND agree to leave each other in peace and quiet, why is the only invalid part of that agreement the latter?

"No unwanted contact" does NOT "trigger" the Federal Gun Control Act, nor does it mean the parties are abusers. It only means they have pledged to respect the other person's privacy, and their space. If it is

contempt to violate other terms of the agreed order, it should be contempt for intentionally violating a "no contact" order.

These orders have been invaluable tools to me and hundreds of family law lawyers and judges, and to the parties in these suits, ever the pesterers. Now they will know these non domestic violence orders will be unenforceable.

Riffle needed to have someone help her "put the brakes on". Apparently she was not so inclined.

Once a judge "ascends to the bench" (sounds like they are going to heaven), they can lose focus on the real world they are ruling on.

Judges and lawyers don't communicate that well. For example, judges are never present at mediation where much of the real work of the family court system takes place. Thus, they often have little understanding of what goes on there.

I will be talking with our legislators. We family court lawyers desperately need a tool that is NOT a sledgehammer (domestic violence order). We need a finer tool, the one the Supreme Court just took away from us!

We need our family court judges to have the power to approve an agreement by two consenting adults to leave each other alone! Why our wise justices cannot see that, and why they link being polite to domestic violence, I cannot fathom.

Perhaps that's why I would never want to be, and never will be, a judge.

Author's post script: since article was posted, the bill permitting "no unwanted contact" orders passed the WV Senate unanimously as Senate Bill 430 and awaits action in the House. We expect it to pass, so as many of us as possible should then contact the Governor's office to encourage him to sign it into law. jbh

1. <http://www.courtsww.gov/supreme-court/memo-decisions/fall2014/14-0042memo.pdf>

"Legal Disability" - What Do a Soldier, a 17 Year Old, an Inmate, and a Hospitalized Mental Patient Have in Common (2014-12-05 22:38)

[1]



The idea for this article came from my trusty paralegal, Letetia. She suggested I touch on some ramifications of an infant's personal injury settlement.

That did not seem to have a very broad appeal, and then I realized the concept of "legal incompetency", or "being under a legal disability", has a huge bearing on all aspects of our legal system. Voila! An idea was born.

A few synonyms for "competent" are capable, proficient, adroit, accomplished, complete, skillful, gifted, and talented. I like to apply these terms to myself and my staff!

So, what goes with my question above? I have known some very competent teenagers, soldiers, hospital patients, and even prisoners. The "trick" is that "competent" is a term of art when it refers to "legal competence", or "being under a legal disability".

And there are different kinds of "legal competence". For example, there is a "presumption" that a 14 year old is "competent" to testify in court under oath and a presumption that a child under 7 is not. Yet both are under legal disabilities by virtue of being "an infant", that's is less than 18 years old..

What I refer to here when I say "incompetent" is a person under a "legal disability".

Here are some examples:

1. The Federal "Service Members' Civil Relief Act" provides protections to an active duty military member who may be unable to protect her/his legal rights. It would hardly be fair for a person to have a large money judgment rendered against them, or to lose custody, while defending his country in Iraq or Afghanistan, or guarding the border in Korea.
2. An incarcerated person is unable to protect her/his legal rights. They can't even vote.
3. A person who is elderly, in a coma, a stroke victim, or mentally ill, may be incompetent to make medical or financial decisions.
4. An "infant" is defined as incompetent because they cannot enter into certain contracts, sign personal injury releases, file civil suits, or conduct certain kinds of business transactions.

So, how does the law deal with such "incompetency"?

1. If a person is under a "legal disability" for one of the reasons listed above, for example a divorce, the court will often appoint the person a guardian ad litem. A Guardian under law acts in some ways as the person's lawyer. There are funds available through the WV Supreme Court of Appeals Administrator pay for such services.
2. If an "infant" has parents who have custody, the parent(s) may file as "next friend" and guardian, for example, in a personal injury law suit.
3. Where a person has not executed a "medical power of attorney" but becomes unable to make medical decisions, the State of WV has a "medical surrogacy" law to assist the medical provider to determine who can make medical decisions.
4. Where a person has become "elderly and infirm" or otherwise is going to be impaired for the foreseeable future, WV has a "Guardian and Conservator Statute". The person applying for this position must comply with the statute, take an online course and pass, notice all close relatives, get a statement from the patient's doctor, and file a "verified (notarized) petition." If appointed, they must also file periodic reports and perhaps post a bond.

5 As a "fiduciary", the person acting as guardian and conservator must adhere to very high standards and place their ward's interests above their own. There are borderline cases where a person has not been declared

incompetent, but someone has been helping them with their finances. If that "fiduciary", perhaps by using a power of attorney or joint account, benefits monetarily, they may have to overcome the "presumption of fraud" if suit is later filed to get the money back.

1. Search my blog ([2]www.hunterlawfirm.net) for related topics such as "general power of attorney", "medical power of attorney", or "special power of attorney".
2. Even where a suit has not been filed, a parent who wants to settle his/her child's personal injury suit must file a petition for an "infant's summary proceeding" and convince the court that taking the settlement and releasing the tortfeasor (also called "defendant" if part of a lawsuit) from all further liability. It is the same principal if the injured party is mentally incompetent, for example, for example by a brain injury.
3. Without the order approving settlement, the insurance company is not going to write that check! These cases also required appointment of a guardian ad litem, usually paid for by the insurance company. It is the guardian's job to make sure the settlement is fair for the injury and extent of liability. The guardian's responsibility is to the infant or impaired person.
4. The question that Letetia wanted me to answer is, "What if the infant wants some of the money now?" Answer? Usually the money is for the child to receive at adulthood. It may not be used by the parent in lieu of supporting the child. That's already the parents' responsibility.
5. The court has to approve the purchase of a car for the child to get to work or a computer for school use, or for the first year of college. My experience is the courts are not well disposed to such requests. It is a case by case issue.
6. Where the injuries are severe and the settlement large, the parent often considers accepting a "structured settlement", especially if the doubt their child, at 18, can handle that much money.
7. Such a settlement may include an initial lump sum, less attorney fees based on the "present value" of the settlement, and periodic, monthly, quarterly, or annual payments. Sometimes the payments are timed to correspond to h.s. graduation, anticipated time the person may want to marry or build a house, etc.
8. Sometimes a parent will take and get approved a "structure" so the child will not have the money to "blow" upon turning 18. And believe me they do sometimes "blow it".
9. Unfortunately, there are plenty of companies who will buy a structured settlement from that 18 year old for a flat fee and pay all tax and other liabilities. They charge a heavy premium for that service.
10. You may also search for "means tested benefits", where a person gets a settlement but is receiving government benefits that are tied to their meeting certain "poverty guidelines". That is a separate subject, but the recipient is under a form of "disability" because if they just take the money, they may be knocked off their SSI, Medicaid, food stamps, or other benefits, until all settlement proceeds are "spent down".
11. In such an event, a proceeding similar in complexity to a guardianship/conservatorship petition, or infant summary proceeding, must be conducted seeking approval of a "special needs trust". If approved, a court appointed trustee can pay for certain needs of the beneficiary such as therapy, assisted living, treatment at a wellness clinic, or a new roof.

Of course, there are borderline cases, such as where a person had dementia, with resultant short term memory problems, but who appears able to understand what they owe and own, where and who they are, and what they want. Thus some of these cases can be contested, especially when those affected begin to "smell the

money" of the supposedly impaired person.

In the "special needs trust" petitions I have filed, I have had the WV AttorneyGeneral and the WV Dept of Health and Human Resources resist the petition because of the "WV Rules". These can include the beneficiary's being over 59 or being otherwise disqualified.

In Summary, a person who is disqualified, by law or fact, must be treated carefully by our legal system if justice is to be served.

This is not the kind of thing a person can handle without competent legal counsel.

j.b.h.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/BurtBest.jpg>

2. <http://www.hunterlawfirm.net/>

A Few Thoughts on "The Christmas Wars" (2014-12-04 22:20)

One thought on last night's replay of Charlie Brown's Christmas. Nancy and I each thought "uh oh!. The religious comments and Bible quotations would not fly in today's time." Linus even mentioned Jesus twice.

This was 50 years ago, but Charles Shulz had to overcome resistance of his editors to keep it in, and to keep out a laugh track and to have children do the speaking.

I would be offended if it were censored off of t.v. but Miley Cyrus permitted to stay on.

On the other hand, I believe a non-believer has a right not to be assaulted with religious propaganda.

How to resolve these two views? I think it can be done.

The 1950's insertion into the pledge allegiance, "under God" is clearly an affront to those who believe the founding fathers were as strong to protect us "from" religion as to practice religion.

Recently published efforts to force schools to teach children the truth of God and patriotism in WV schools creates real problems for me, but teaching them core values of honesty, honor, civility, and civic responsibility does not.

There is no major religion that does not agree on these core values, even those who believe in no "prime mover".

My answer? CHILL. Do not be so easy to judge and find fault.

The expression of love and simplicity in Charlie's Christmas is a classic of creativity in children's video. Leave it be.

But, in-your-face demands that Christmas means one thing to one group and no one may abbreviate "Xmas", or fail to go to church or pray on Christmas eve to their God, **are, to me, not the way to go.**

As I read a history of Islam, I see that it and all major religions had phases and teachers who were full of tolerance (e.g. Jesus and Mohamed, and many, many scholars who were not "into" the supernatural), and openness, and rationality, and against anthropomorphism, and for pro-Hellenistic philosophy, and for peaceful resolution of conflict.)

In fact, there were sects of Moslems who said Mohamed was the prime prophet, along with five others, those who did not, and those who felt Jesus was, and they were still good Moslems (back then).

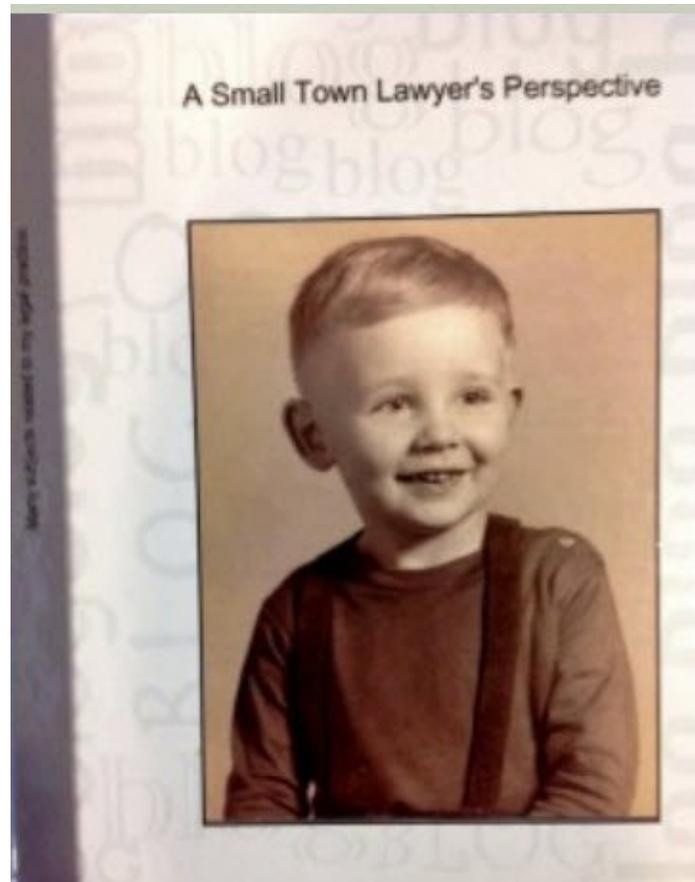
As my Dad's cousin Lark once said, "I tend to favor Judaism, especially after I learned you can still be a good Jew and enjoy a good ham sandwich."

"Live and let live", and tolerance for the views of others, is a pretty good solution for me.

9.2 November

Remember the Children of Divorce. (2014-11-10 13:02)

[1]



Not every blog post needs to be an original, inspired, nugget. Even Fareed Zacaria "borrows".

I think that's fine, so long as attribution is given. I am happy if I can connect relevant sources into a useful product. I think I have here.

1. The following YouTube video may be contrived, written by an adult for a child to read, but I assure you this video rings true for someone who has been involved in the fate of 8000-10,000 children of divorce over 40 years. [2] <http://faithtap.com/1823/child-of-divorce-letter/>

2. I have met some of these children as adults. I have talked with an 18 year old who endured years of counseling for **HIS PARENTS'** dysfunction and who felt that meant something was wrong with him. He urged me NOT to allow my clients send their children to a counselor. And, I met one recently who told me she was enduring sexual abuse by her father while her Mother and I were fighting for her, decades ago!

3. On that counseling issue, I find the only effective counselors of children in such situations **end up counseling the parents to reduce the conflict.** Counseling children to learn to endure the abuse is futile, and, frankly, insane.

4. We tend to blame "the parents" for conflict in divorce. My experience is that at least one parent in most divorces is trying to protect the children. I prefer to represent these people, and I implore those who aren't so inclined to review their priorities.

5. Control, physical and emotional abuse, alcohol and substance abuse, greed, lack of empathy, and poor upbringing, - these factors, in myriad proportions, conspire to force conflict, danger, stress, and trauma upon children, and of course to the parties in the divorce.

6. On a related theme, why are people growing into such parents? I watched a movie, over 2.5 hours, last night that gives a good hint. I think it is realistic. RottenTomatoes.com says it portrays, "...the rocky terrain of childhood.": [3] <http://www.rottentomatoes.com/m/boyhood/> .

7. From my perspective, the movie portrayed the rocky terrain of child neglect and abuse. Our society has changed so dramatically that I cannot imagine why the reviewer talked about "nostalgia" for a childhood of 15-20 years ago. If that means that things are even worse now, I say, **"God help our country and our children."**

8. My parents had a conflicted marriage. Good people, loving parents, well-intentioned, in love, but not a good match emotionally. Thus their marriage lasted only 48 years. Yep; I became a "child of divorce" at age 47.

9. So, how did I survive into adulthood, whole and blissfully happy? I still credit my parents for love, support, taking me to church, getting me to my activities, and paying for a great education, but in the 50's and 60's, just as Hilary famously (and to much derision) said, it "took a village" to form me into a whole human being.

10. I seriously fear our "village" is turning into a jungle.

11. Look into the vacant eyes of the mug shots of young adults on the local evening news. What values and intellectual grounding are these lost young people getting? What values and insights do their parents have? What are they teaching their children about humanity? And, God forbid, if they go to jail or prison, what are they learning there? How to make license plates?

12. A few months ago I wrote about my upbringing in Ohio County (Wheeling), WV. <http://wp.me/p4utce-gf> .

13. I have no doubt that without the companions, teachers, leaders, and coaches, I would now be a different human being, if I survived at all.

14. I was a "risk taker" who needed structure, structure, structure, education, training, discipline, and guidance. I got those things "in spades".

15. I am reading an article in Smithsonian Magazine that advocates a path of dignity for convicts, voting rights, and even college educations while they are serving their time. I agree, but our country must do a sober assessment of what is happening to your youth BEFORE they become convicts.

16. That's very unlikely under the resurgence of the Republican Party and its mantra of "de-regulation". Expect more violence in children's shows, fewer role models, more toy and junk food ads. Gone are the days of "Mr. Rogers", "Captain Kangaroo", and "Mr. Wizard". I learned a lot from Mr. Wizard.

17. Children's programming is bad enough as it is. The purveyors of our commercial riches do not want our children learning restraint, moderation, good judgment, or morality. **With those skills, they won't buy "the right stuff", or enough** of that stuff!

18. I have written about children, and their place in our society before:

a. Divorce Doesn't Ruin Children, but Parents Do: [4]<http://wp.me/p4utce-5W>

b. Has Our Society Lost Something Essential in the Rearing of Its Youth? [5]<http://wp.me/p4utce-dW>

As I say in my title, **let us not FORGET THE CHILDREN!**

1. <http://hunterlawfirm.net/wp-content/uploads/2014/11/Burt2ndGrade.jpg>

2. <http://faithtap.com/1823/child-of-divorce-letter/>

3. <http://http://www.rottentomatoes.com/m/boyhood/>

4. <http://wp.me/p4utce-5W>

5. <http://wp.me/p4utce-dW>

Free E-575 page e-Book - Absolutely Everything I've Written in Four Years! (2014-11-01 22:27)



I am excited to announce a TOTALLY FREE PDF BLOG of four years of blog posts.

Editor's note: Update is now up to 700 pages as of Feb. 24, 2015. jbh

1. **It is a sequential blend of both blogs**, so not something you are likely to read cover to cover.
2. **That link is:** [\[2\]http://hunterlawfirm.net/book.pdf](http://hunterlawfirm.net/book.pdf).
3. **The table of contents is "live"**, so you can view any article that suits your fancy.
4. **It takes perhaps 10 minutes to review the table of contents of nearly 250 blog articles.**
5. There are nearly 575 pages.
6. It amazes me that I could find the time to write this much.
7. Each article requires 5-6 drafts; so it may reflect 1000 hours of work.
8. **My next writing project is:**
 - (a) **Create 2-4 separate books**, from the existing content, with some editing and re-writing.
 - (b) **Excise or replace copy-wrote illustrations that I "borrowed"** with Snagit in order to meet the guidelines of Amazon Kindle Publishing and to publish them to Kindle.
 - (c) **Book 1 will focus on the "how to" and informational articles I have written for potential clients.**
 - (d) **Book 2 will be my insights on professionalism, ethics, morality, politics, religion, health/wellness, and anything smacking of memoir.**
 - (e) **Book 3 will be my writings on office management, technology, marketing, and social media.** These tend to be a bit dated, but they are a snapshot of the evolution of an attorney who started with acetate sleeves for dictation, an I.B.M. Selectric and Mag Card, Apple II, I.B.M. PC, etc.
 - (f) As I have done before, we hope to have a "working vacation" on the beach in February; just enough time to read, edit, and self-publish my three small books.
9. If, after reading my work from a year or two ago, it made me wince or cringe, I would move on to some other endeavor.
10. It is the principal I followed with my golf game (cringe-worthy) and my auto-racing (surprisingly competitive). We tend to do what we think we do well.
11. **I swear to you that even reading all 575 pages will not hurt you.**
12. Whether it is the list of my favorite 25 books on science, philosophy, and technology, the basics of WV Insurance coverages, the fundamentals of family court, the myths of personal injury law, or how to organize the facts in your case, **I believe my writings can be very helpful.**
13. **As for my personal views, they are very strongly held**, but they are backed by a great deal of reading and thought.
14. **Argument is my way of life, so I will be happy to discuss any of them.**
15. **I try not just to criticize or whine.**
16. **I want my writings to be:**
 - (a) **Educational;**
 - (b) **Useful;**
 - (c) **Accurate;**
 - (d) **Humorous when possible; and/or,**

(e) *Thought provoking.*

17. **As I always say, feedback is deeply appreciated.**

1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/BurtBest.jpg>

2. <http://hunterlawfirm.net/book.pdf>

9.3 October

America's Love Hate Relationship With The Poor. (2014-10-26 21:39)

Recently I wrote a post describing an option for a poor person who needs a lawyer. "Poor" is a relative term, since my solution requires the non-contingent fee client to ante up \$500- \$1000. WV Legal Aid is struggling, so the poor of WV go largely unrepresented. Even a dual income working couple may have to play "Family Court Russian Roulette" by representing themselves.

The WV State Bar is trying to help them with a new web service to encourage WV lawyers to provide "pro bono", free, services, but I see no way our profession can fill this gap. We have plenty of low income citizens in WV. **Facebook members have lots of opinions about the poor.**

Here are two typical FB posts about the poor:

1. **"If you do not think we should be charitable to the poor, you have forgotten the core teachings of Jesus.", and;**

2. **"The mentality of Americans today is to take, take, take. There are too many people on welfare."**

"Welfare" as used here covers various means-tested benefits such as TANIFF (formerly Aid to Families with Dependent Children), SNAP (Foodstamps), and SSI (disability.).

I tend to agree with each view. **BUT IT ISN'T THAT SIMPLE!**

Let's look at the poor through these prisms:

1. **The view of the very rich;**

2. **The view of the "welfare recipient".**

3. The view of the incarcerated prisoner.

4. The view of the undereducated poor:

5. The view of the "racial minority" poor:

6. The view of the mentally ill and addicted poor.

7. The culturally bereft and intellectually poor.

The View of The Very Rich

Alas, my estate plan of winning the \$600,000,000 lottery appears doomed to failure. So, it is very hard to see the poor from this vantage point. I have the pleasure of earning decent money, and the "burden" of having to keep working because my "private retirement" underwent a severe setback a few years ago. Thus, **I get to pay 42 % of all net earnings to the WV State Tax Dept. and the I.R.S.**

I don't like paying that much. Something between 20 % and 33 1/3 % seems about right, like I charge my contingency fee clients. I could be bitter about paying nearly half of my income to the government, knowing that much of it is used for things I probably don't approve, but I am not bitter.

Somehow I got a better education than most, have better health than most, and certainly have a better family than I could have reasonably hoped for. How can such a person be bitter?

But, when I was a boy, the graduated income tax had reached 90 % for the wealthiest Americans! That led to lots of loopholes and a bloated set of tax regulations.

It seems to me a person must have the incentive to get ahead in the world, and we cannot drive our citizens out of the country with an unfair tax code.

One of the most compelling critiques of socialism I have read was either in **Fountainhead** or **Atlas Shrugged** by **Ayn Rand**.

Even though Jesus preached that he who arrived late for clearing the fields should be paid a full share, I agree with Rand that providing to all equally, regardless of effort or ability, kills motivation and productivity. And communism requires its citizens to give up freedom for the promised security.

Nyet to that!

I believe in the equality of men, the equality of women, and gender equality. But how does that translate to action?

I find admirable the later lives of John D. Rockefeller, Bill Gates, Warren Buffett, Andrew Carnegie, Michael Benedum, and others who began to realize the power of their wealth, by giving it away. Assuming my \$600,000,000 could net at \$250,000,000, I already had plans to give away \$200,000,000 of it. It is worth \$20 every six months to ponder such things.

I believe the trend in America now is wrong! Congress has written the campaign laws to permit a system of bribery, just as U.N.C. Chapel Hill was recently shown to have a disgraceful 20 year history of assigning non-existent courses, and false grading in order to assist approximately 3100 athletes through their system without getting a good education. **Once the culture of greed and corruption takes hold, it is cancerous.**

So, I am all for encouraging people to get rich, but in a balance. I believe the middle class must grow too, and the poor must have a path to the middle class, and even a path to becoming rich. Without these things, eventually we will face rebellion and chaos.

And, if the view of the very rich is, "It's mine; screw you.", I do not "like" this position. Great wealth should include great responsibility, not just building another mansion or golf course. If we become a land of oligarchs, the "American Dream" will be a joke.

The View of the "Welfare Recipient"

If a system is in place to make people dependent, they will become dependent.

I remember an expose' on CBS's 60 Minutes on the American Indian. Our reparations to them, and the "reservation system" fostered unemployment, alcoholism, drug addiction, and domestic abuse. **I see the same thing in Appalachia as people struggle against poverty by figuring out a way to "get a check".**

People decry lawyers for setting up offices to represent applicants for disability benefits, means tested and non means tested. Once you have system what becomes lax in its administration and its standards, that requires only that people meet a certain standard, that has no way to get them rehabilitated, and for the means tested ones, that kicks them off "the dole" if they start earning for themselves, you have guaranteed such a system will form and grow.

I have written of my Uncle James O'Grady, body frozen in place by Rheumatoid Arthritis, who worked at Wheeling Stamping for over 30 years without missing work, and my Dad's "retarded" (That's what we called it back then.) friend Richard who worked as a dish washer at downtown Wheeling's Elby's Restaurant for nearly 40 years. His only retirement benefit was his Social Security, but he lived his life with a degree of dignity, as did my Uncle Jim and Aunt Kate, who was not impaired, but worked with him at Wheeling Stamping.

Then there was "Charles". He became angry with his Mother for allowing his nere'-do-well sister to return to live with them. He became so angry that he said, "I'll show you!" and, taking a butcher knife from the kitchen, walked down to the local food mart and demanded cash. The owner reached coolly into the drawer beneath the cash register, and said, "I will blow your f....ng" head off, so Richard immediately surrendered.

After many tears and serious pleas negotiations, Richard became a free man. He too was "limited". He loved fishing with his grandpa, and he worked at a sheltered work-shop, BUT the system was set up that even if he refused work, he still got his SSI check. AND, he did not have to pass a drug test to get his check. What do you think happened to Richard.....he didn't get the gold watch my uncle Jim got or the plaque and party Richard got at the end of a working life well-lived. Actually, I lost track of Charles, but I doubt his fate was pretty. But his "disabled cousin" quickly talked him out of working at the workshop when he could collect his SSI check regardless. I last saw him as he joined the small group of WV "street people".

So, if I ran the world, would I put conditions on the benefits we hand out? Hell Yes.

1. Drug screen recipients. Provide addiction and mental health counseling, but nothing that will just be spent on drugs. If the person is bent on self destruction, I doubt America has the resources to prevent that.

2. Of course, "Mentally ill or addicted, and dangerous to himself or others." is a standard I support for "involuntary commitment" to a secured (locked) facility. A system that encourages "homelessness" of such persons is not a good system.

3. Limit food stamps to nutritional foods? Also hell yes! Food industry profits be damned! Chips, processed foods, candy, sugar? Why give them food that is, effectively, poison? I say require recipients to learn about nutrition. Make sure they feed their children properly, and make sure they are attending to those children's dental and nutritional needs.

4. Find work the Social Security Disability, the SSI, and the Taniff and Food Stamp Recipients can do? Absolutely, for the number of ours, and the conditions they can tolerate. It least required a commitment to "community service". Can they volunteer at their church? Require that. Can they work 2 hours a day on Habitat for Humanity, supervising, fixing snacks, laying out tools or materials? Well then, do that. Can they read to the elderly, or work at a cash register for 3 hours, with a stool to aid? Then use them for those things. **Give them a reason to get up in the morning!**

5. Remember, the SSD recipient is not "means tested". He or she paid into the system, but that should not mean they are necessarily stuck on disability forever. Provide them with education and training. Figure out how to help them get their diabetes under control, to lose 75 lbs. or just get into shape, and let them keep a portion of what they earn, in addition to benefits. Do not deduct dollar for dollar; perhaps reduce their benefits \$.25 for each \$1.00 they earn while on disability, with a sliding scale as they move towards full re-employment. And don't kick them off just because they find work. Have reasonable rules to encourage them to become part or fully self supporting.

The View of the Incarcerated Prisoner

I watched a great T.E.D. talk not to long ago. The concept was educating and motivating prisoners,
696

letting them earn back rights such as voting really appealed to me. It included assistance in job placement, education, and other ideas of common decency. Recidivism was greatly reduced. I endorse that idea. **And let me address the idea of educating prisoners in the next section on "The Uneducated Poor".**

The View of the Undereducated Poor

I notice that conservative Republicans tend to sneer at "pointy headed liberals".

Because certain college professors and students, especially in Ivy Leagues and West Coast schools, are far left liberals, and even socialists, and "God Forbid!" communists, they are anti-intellectual. It is strange that so many Republicans are also wealthy. One would think that with wealth would come wisdom.

We now have a 300+ t.v. channel culture, shallow and profane. As public broadcasting standards have deteriorated, a creature called "reality show" has crept onto the mainstream t.v. channels, and even children's t.v. has evolved into an engine to drive our consumer culture. I see this when "Play Skool" toys now sells an assault weapon.

If "the poor" do not have to conform their behavior to decent standards in order to get "food handouts", "monetary handouts", public schooling, and "popular entertainment", what hope do they have?

If they do not have to learn the core teachings of the major religions, the fundamentals of the English language, mathematics, history, geography, the history of science, the wisdom of the philosophers of the world, shall we condemn them to sweeping the floor at McDonalds, or to their basement "meth-lab".

I see the same thing for prisoners. We cannot simply warehouse them, or allow them to be part of a prison or gang culture. **Incentify learning and good behavior.** I have 100 books that if any person reads them with understanding will change them forever. If they want tastier food, more time in the exercise yard, access to the library, provide such things with strings attached.

What? Will that deny them freedom? They are prisoners for gosh sakes!

I think not. Linsly Military Institute didn't give me much "freedom". We wore uniforms. We had to polish our shoes and belt buckles. They marched us up and down the drill field, **but they "freed" us with a terrific education.** I just spent a week with the fellows from so long ago. Some are professional writers. Many still read extensively for pleasure, and several study philosophy and science. Many are in the professions. Back then there was no way to tell which of us would do what, but the education did it for us.

Once, over 20 years ago, here in Upshur County, our son, who latter graduated with excellent grades from Wake Forest University, **was not invited to take the P.S.A.T.** I asked the assistant principal why it was not announced over the PA system.

She answered, condescendingly, "This is a rural community and high school. Many students do not have the potential for college. **We only announce it to the "gifted students."** Our son, while having an "A average" was not "selected" for the gifted program. When I persisted, she said, "Mr. Hunter, we have limited testing resources, If we announced the PSAT over the intercom, there is no telling.....(silence)", so I chimed in, "No telling how many students would want to take the PSAT? and go to college??!"

That shocking moment of clarity told me why our county school testing scores are consistently mediocre and why our educators can be content as our students sometimes come near, not excellence, but "the national average".

Average is just that, average. Likewise, it is elitist and cynical to say we cannot, or will, not educate and train our prisoners. They need math, science, history, and philosophy, and NOT just how to weld, hammer, or plumb . They need to learn something of their place in the world. They need enough knowledge to find meaning in life. They need to be treated as human beings, recognizing they may be coming from environments where they don't have the values, the insights, and the capabilities, to make it without some "paternalism". Perhaps being "paternalistic", like a guiding wise father, is not that bad a thing.

The View of The Racial Minority Poor

Some minorities have adapted well to America.

The northern European people are assimilated. I consider myself "Scots-Irish" and Cousin Lark Hunter's research seems to bear that out. Hunter and O'Grady, Kidd and Filson, Wild, Pickens, and many other surnames. Our daughter in law has a German "maiden name". I am reading a book designed to be a bit provocative.

The author, Nicholas Wade, in **"A Troublesome Inheritance: Genes, Race, and Human History"** makes compelling points that we have continued to evolve, even during the last 30,000, 10,000 and 5000 years. I agree with him, but I agree with E.O. Wilson in **"The Meaning of Human Existence"** that we are the first living species who will take over our evolution via gene research and science. By our behavior and our decisions, our species will decide if we survive or go extinct. We will select for brains, or height, or longevity, or aggressiveness.

We will probably eventually leave our physical bodies, perhaps thousands of years from now.

So, we need serious and realistic research why our black, and to some extent, other "colored" populations lag, while other groups, such as Asian even seem to exceed the established "post-immigrant" populations. Wade suggests that some cultures are extremely "tribal"; not sure what that means for us, as the herders of the Scottish Highlands and the hills of Ireland were supposed to be quite "tribal" and competitive and violent, and the Scots Irish definitely had a big part in all American wars. And, somehow our balanced form of government doesn't translate well to places such as Iraq, Libya, and the Palestinian Authority. We have had great difficulty exporting our vision of democracy.

But, "political correctness" must somehow be balanced by a realistic assessment. A black man, age 18 or 19, can't be a "teen-ager" one minute, but "don't call me a "boy"" the next. They must demand dignity and respect, but give it too.

There was a black man on YouTube who ranted against this double standard and demanded more responsibility of black persons, especially black men.

I was afraid to repost him for fear of appearing racist. But, for purposes of this post, let me say that we must assume the uneducated poor, the imprisoned poor, and the minority poor are fully human, can learn, must learn, and must learn will the lessons of mankind, not just how to program a computer. Does anyone believe that Barack Obama would have been elected President if he said "aks" instead of "ask" and "Man, don't disrespect me." instead of, "I am entitled to respect."

In "the great melting pot", ethnic culture cannot be allowed to trump learning and clarity of thought.

The View of the Mentally Ill and Addicted Poor.

I have written elsewhere in support of "parity for mental health treatment". Animals such as our dog Duffy, our kitty Chloe, or horses, or zoo animals, predictably, live free of most mental illness by the application of loving care, space, socialization, and health treatment. They do not ponder their place in the universe, or worry about dying. The unique level of human intelligence means we know we are going to die. We can imagine terrible things happening to us. When we suffer a grievous loss, we remember it keenly. Thus our "mood disorders" such as depression or anxiety are the common cold of mental disease. But we also have disorders that arise from our genetic heritage, chemical imbalances, physical injury, and responses to traumatic events.

Our mental disorders are complex and difficult to diagnose and treat. Such disorders often need multi-disciplinary treatment and resources.

Our model for supplying medical and mental health treatment in America needs a "Manhattan Project" approach to the challenge of providing effective treatment at reasonable cost. Without that, millions of people will be dependent on society, and a drag on our economy.

The View of the Culturally Bereft and Intellectually Poor.

I reiterate that our consumer society and culture are sick. Bad food, poor nutrition, shallow thinking dominate the lives of the Average American.

Television is dominated by game shows, reality shows, talent contests, situation comedies, and cop/lawyer/doctor/political dramas. Some are better than others, and we do have public television, but just think how our country would benefit if the "junk" were removed from television and replaced by creative, stimulating, informative, and educational content. "Paternalistic" to say we could do better. I guess I plead guilty.

I will revise this over the next week, until I don't wince when I read it, but time "to fish or cut bait" and publish something before the week-end is over.

Summary: A country with a gross disproportion in "The Haves" and "The Have Nots", a weak middle class, a vapid culture, a bad education system, or a loss of its core values, is a country headed for deep, deep, trouble.

When You Can't or Won't hire a lawyer? A \$500 Option. (2014-10-21 19:44)

[1]

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Hunter & Associates, PLLC
WEST VIRGINIA LAW PRACTICE

1. First; let's define the kind of case. If it is a fault-based personal injury claim, such as serious injuries resulting from a rear end collision, the kindest thing I can say to a person who tries to document and settle that case without counsel is "foolish". Forget your pre-conceptions and just give me a call. You will learn a lot, at no financial risk.

2. In those cases, the lawyer works for no fee until the money is collected. Most charge 25 %-33 1/3 % of any sum(s) recovered, but our firm takes just 20 % if fault is not seriously contested. You simply don't know how to document, argue, or settle your claim. DON'T do it.

3. And, if you have a case involving \$10,000 or more, being tried in circuit court, you CAN'T do it because you:

- a. Don't know the Trial Court Rules;
- b. Don't know the Rules of Evidence;
- c. Don't know The Rules of Civil Procedure,
- d. Don't know the Rules of Appellate Procedure;
- e. Don't know the Statutory Law, and,
- e. Don't know the Case Law.

4. I have devised a \$500 option for family and civil suit parties.

a. The personal injury claimant is the easiest. I will talk to them for an hour or so **for free**. If it is a case I am willing to take, the claimant virtually always hires me. Quite simply, I know what I am doing, have lots of experience, have answers to their questions, and have a good facility and great staff. **Problem solved.**

b. But, people who can't afford, or refuse to hire, a lawyer now have one more option.

5. I have developed a method to provide maximum assistance, as a consultant not record counsel, **for the flat sum of \$500.**

6. What? "I've heard divorces cost between \$3000- \$10,000?!"

7. You are right. Some lawyers have built reputations partly by charging a large retainer, \$5000 or more. This puzzles me, but people figure, "You get what you pay for." Do they really think such lawyers will move aggressively for an early negotiated settlement? That has not been my experience.

8. A typical retainer for a person who was married for ten years, has a 401K, house with mortgage, cars, job, and children **is \$2850**. I will usually keep at least \$1050, but will do \$3050 worth of work and service before charging more, and, if we go over that sum, I reduce my hourly rate from \$200 to \$175. **That way we "share the pain" of a contested divorce.**

9. Most divorces are not contested; because:

a. I negotiate aggressively, using mediation often; and because ,

b. My opponent in trial is dealing with someone who has tried hundreds of cases, and that's not cheap or fun! Most people want to avoid that.

10. However, if you have a family business, multiple assets, substance abuse, violence, or alimony issues, lawyers' **fees and costs can grow exponentially.**

11. For \$500, I will give you access to all the rules referenced above, provide our proprietary forms, and provide the forms required by the Court.

12. We will copy for you applicable statutes and WV case-law. You must know the rules of the game if you expect to play.

13. You can fill out your forms in our office, and we will look them over.

14. If you and your spouse have substantially worked out your differences, for another \$500 or so, total @ \$1000, we can also prepare a property settlement agreement (PSA), permanent parenting plan (PPA), and Final Decree. This happens in my office 2-3 times a year, but when it happens, people can be divorced in 30 days or less!

15. But, please understand, a "consultant" is not going into court with you. If the judge does not approve your agreement(s), you may be "back to square one". We try to draft agreements acceptable to the court, but we can't guarantee the Court will understand your explanation or approve your agreement(s). And, while the Family Court is used to having self-represented litigants, the circuit court definitely is not.

16. My "consultation" includes a free PDF file of my "Blog Book" and other documents stored on a thumb drive. It is our compilation of most of my blog articles, "*Perspectives of a Small Town Lawyer*" and "*WV Lawyer, Tips and Techniques*". It contains over 500 pages containing things I have learned in over 40 years.

17. These consultations are not based on an hourly rate, but we do not charge beyond that without an additional "fee agreement" **and** unless the total effort exceeds our normal hourly rate. **Such a "consultation" is the result of years of experience, and hundreds of hours of preparation. What we provide is limited, but considerable.**

18. We have two articles on "How to Organize The Facts In Your Case." and forms to use in gathering the information.

19. Truth in advertising: many of the people who hire me as a consultant realize they cannot risk being without a lawyer, so they decide to hire me as their record counsel.

20. And, some people, for \$500- \$1050, end up with expedited, fair, comprehensive, agreements and final orders.

21. Even the person who moves forward, in trepidation, without a lawyer receives "the rules of the game", an assessment of the risks, and solid, basic advice on how to move their case forward and get along with the judge. No guarantees, but better than nearly complete ignorance.

22. So, if you know someone who can't afford to hire a lawyer, has become discouraged by quoted retainers, or is too stubborn to hire counsel, he/she can get a full consultation for a small fraction of the cost of a contested trial.

This method is not perfect, but I believe it is consistent with CLE presentations I have attended where lawyers are encouraged to figure a way to represent indigent and low-income people and to "think outside of the box" in providing legal services.

If you think this may be the best route for you

or someone you care about,

give us a call,

at the number on this website or at 304 472-7477.

See you soon. jbh

Happy to be a Rich Man (2014-10-16 15:47)

[1]



7It has been a dramatic, poignant, and fulfilling six months.

1. And so many connections.

2. Our 45th anniv. trip to Italy.

[2]



3. Some scares in the family over health, that are now resolving.

4. Nancy's 50th H.S. reunion in July, with nice reunions with college friends on the side, in Cape Cod.

5. Then, we just had four wonderful days in Wheeling for Burt's Class of '64 50th, and The Linsly School's 200th!

6. Then today, I learn that two of our "regulars" and one "first timer" are not coming to our WVWC, and Phi Sigma Epsilon Homecoming.

7. One has severe chest congestion and an allergic reaction.

8. Another is just now home with a new heart stint.

9. And another just learned of a threat to his post-retirement dream that he must vanquish.

[3]



10. Then I got a FB post of a sad loss of a parent by a valued colleague.

And, I made another, mental, connection.

When I first visited WVWC, our tour guide was Peter Weaver, who became my fraternity brother, and later Bishop of the Northeast Region of the United Methodist Church, and the Bishop of Nancy's cousin, who is another FB friend.

Fast forward 25 years or so, and we arrived at Wesleyan for a visit with our son Chris who attended and graduated here, and got our tour by Shannon Thomas, who stated her intent to focus on "corporate law", but instead became one of the most sought after family law lawyers in the state, my colleague, adversary, competitor, and friend, whose loss I just mentioned.

Our group tonight at The 88 Restaurant will be smaller than usual, but perhaps we will appreciate it a bit more. And we will toast those who came, who couldn't be here, and who have passed on.

I am blessed with health, family, and friendship. I am a rich man.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/BurtBest.jpg>

2. <http://hunterlawfirm.net/wp-content/uploads/2014/10/10842614171151CDP.jpg>

3. <http://hunterlawfirm.net/wp-content/uploads/2014/10/Happy-time-at-Lancaster-Group-Photo-Large-Heads-2.jpg>

A Small Town Lawyer's 50 Year Perspective - The Linsly School's 200th Homecoming Reunion (2014-10-13 21:13)

[1]



These are the guys who visited the Maple Chalet.

Thinking that I may have mentioned my high school education and classmates a few times in my blog, I searched them for "Linsly".

Linsly is now The Linsly School. We knew it as Linsly Military Institute, or LMI.

It was founded in 1814 by Connecticut Lawyer Noah Linsly. It survived crises. During The Great Depression, the Headmaster had to mortgage his house.

Linsly survived the post-Vietnam War era, unlike two other WV private prep schools, but exchanging the military format and uniforms for blue blazers and adding.....GIRLS! Distractions to be sure, but its standards have remained high.

Here are the links to my blog posts that mention Linsly: (You may skip them for now.)

[2]<http://hunterlawfirm.net/two-examples-of-a-society-in-decline/>

[3]<http://hunterlawfirm.net/has-our-society-lost-something-essential-in-the-rearing-of-its-youth/>

[4]<http://hunterlawfirm.net/the-education-of-the-perfect-paralegal/>

[5]<http://hunterlawfirm.net/a-life-of-reading/>

[6]<http://hunterlawfirm.net/eclectic-summer-reading-and-listening-for-your-vacation-2013/>

[7]<http://hunterlawfirm.net/staples-and-commas/>

[8]<http://hunterlawfirm.net/teacher-why-do-we-have-to-learn-this-stuff/>

[9]<http://hunterlawfirm.net/attorneys/john-burton-hunter-iii/>

[10]



Joe (J.B.) Shaver, our class spokesman, and my college freshman roommate.

If I am writing about my perspectives as a small town Lawyer, nothing is more appropriate than to mention Linsly again. Fifty years ago in May, at our graduation banquet, we were handed a large gold program the 150th (Sesquicentennial) year prominently displayed, and we were told by our speaker, "At your 50th Homecoming Celebration, you will be helping to celebrate Linsly's 200th."

[11]



Randy Cleavenger's graduation present from his parents, 1964 Pontiac GTO, a "goat".

Try as I might, I could not envision myself, my classmates, or their spouses and companions as 68 year olds.

Although we have changed a bit, here we are: <http://tinyurl.com/m8qxmjp> (If this is not "live", just copy and paste it into your browser.)

Of 36 living classmates (out of 43 graduates), we had 23 participate in at least one event. Most were there for everything. Our Maple Chalet was filled with good cheer and spirit(s).

[12]

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J.B. Shaver, Burt Hunter, Bruce Bandi, Ed Poor, Rick Terry, Tom Cooper, and Rick Stark in the Maple Chalet's kitchen

But, when we were 18, with our lives ahead of us, gays and lesbians were "queers", President Kennedy was recently deceased, and "war" was the world wars and Korea. We all had memories of a world without television. And, it was still black and white.

Who knew what Vietnam was going to do to our boomer generation? And who would believe that a legal same gender marriage ceremony would take place during the Homecoming gathering?

And, the girl I was going to fall in love with, and pursue as her "best friend" for 4.5 years until she said "Yes," had only visited West Virginia Wesleyan once, on advice of her school guidance counselor. I had no way of knowing we would meet 3 months later. The 50th anniversary of our first meeting in Sept. 1964 has now passed also.

What idyllic, exciting, challenging, and stressful years those 50 years have been.

I do not know when illness and death will strike. We have been fortunate there, but by watching carefully those ahead of us, I have a much better "perspective" on the next 30-50 years, than I had back in 1964 on the next 50.

My classmates were born in 1946, so we are the earliest of the boomers. If we wanted a transistor radio, soon everyone wanted one. The same with our music. If we liked Elvis, or later Country Joe and the Fish, soon everyone did. We were pampered by our families, and many of us are here because our fathers returned from war.

Linsly Military Institute had a boarding school, and Linsly had students from 5th to 12th grades. I have learned over the years, and learned even more during the last 5 days, that our teachers were not perfect, nor were our parents, nor were we. Some came to school because of "trouble at home".

As the oldest, and the only boy, I got the privilege of attending Linsly, and my three sisters did not. In fact, a first-born boy tended to feel "entitled". Wearing a Cadet Uniform, getting that stellar education, and being called "smart" by my teachers impacted me in a way that is not always pleasant.

Truth is I was a mediocre athlete, and, except for some good SAT and ACT scores, my grades were not where they should have been.

[13]



Each of us was inducted into Linsly's Aviator's Society, and got our pin and tie.

I have commented in the posts linked above the other influences on my life, family, teachers, youth groups, and church, but with six merit scholar semi-finalists in our class, 9 out of 10 of the top math test scores in the State of WV, and 3 out of the top five Latin scores in the greater Pittsburgh area, we thought we were darned smart. Fifty years, and four great days of conversations, later I know we are.

As many of us are retiring (not me for a long while I hope), we have in equal measure field grade military officers, lawyers, doctors, successful businessmen, and other professionals. We all attended college. Most of us have advanced degrees.

[14]



Not every marriage or partnership (yes, certain of our classmates are gay, and I am proud they are my classmates) have survived, but the mix of spouses and partners at the Chalet and other gatherings was a wonderful one.

We were average and above average, guys, who were provided a wonderful educational opportunity. I could have performed much better, but I am so glad that my mind was stimulated, my language, chorus, and math skills cemented, and my sense of duty and discipline trained.

My time at Linsly very much helped me get through the last 50 years. Many of us will be there for the others as we continue our journeys through life.

Finally; I would be remiss not to include the photo below of Ed Poor and his companion Ruth Medios. Ed found and made arrangements for the Maple Chalet for our 45th and 50th reunions, and in many ways was the "brains" of our collaboration. He and J.B.(Joe) Shaver simply love people and Linsly. I share that, so in spite of some "drift" over the years, we have become lifelong friends. Thanks Ed and thanks J.B. and thank you Nancy Hunter, Patty Shaver, and Ruth for allowing us this mild obsession.

[15]



1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/OurHouseClassThursday.jpg>
2. <http://hunterlawfirm.net/two-examples-of-a-society-in-decline/>
3. <http://hunterlawfirm.net/has-our-society-lost-something-essential-in-the-rearing-of-its-youth/>
4. <http://hunterlawfirm.net/the-education-of-the-perfect-paralegal/>
5. <http://hunterlawfirm.net/a-life-of-reading/>
6. <http://hunterlawfirm.net/eclectic-summer-reading-and-listening-for-your-vacation-2013/>
7. <http://hunterlawfirm.net/staples-and-commas/>
8. <http://hunterlawfirm.net/teacher-why-do-we-have-to-learn-this-stuff/>
9. <http://hunterlawfirm.net/attorneys/john-burton-hunter-iii/>
10. http://hunterlawfirm.net/wp-content/uploads/2014/10/SantaJBShaver_edited-1.jpg
11. <http://hunterlawfirm.net/wp-content/uploads/2014/10/ClassGoat.jpg>
12. <http://hunterlawfirm.net/wp-content/uploads/2014/10/EightInKitchen.jpg>
13. <http://hunterlawfirm.net/wp-content/uploads/2014/10/NewAviatar.jpg>
14. <http://hunterlawfirm.net/wp-content/uploads/2014/10/OurHouseMapleChalet1.jpg>
15. <http://hunterlawfirm.net/wp-content/uploads/2014/10/RuthandEd.jpg>

Nuts and Bolts of Preparing For Your Deposition (2014-10-13 18:38)

First, what is a deposition? A deposition is sworn testimony before a court reporter taken before the trial. It can be an audio recording, or audio and video.

It is part of the discovery process, although a trial deposition can be taken to preserve for trial the testimony of a person who may be unavailable for trial, such as a seriously ill or elderly person, or someone planning to be out of the country.

Depositions are often taken of witnesses to a controversial event such as an auto collision, and they may be taken by a party such as the plaintiff or defendant in a lawsuit.

Depositions are rare in family court cases because of the expense. People paying their lawyer by the hour usually do not want to pay for a deposition, unless it is a key adverse witness such as your spouse's "paramour".

Depositions are the norm in personal injury, medical malpractice, industrial accident, and insurance bad faith cases.

I know one, only one, lawyer who routinely takes depositions in order to run up costs and cow the opposition. I have seen it succeed, and it disgusts me.

Let's assume you are a plaintiff in an auto accident, or the petitioner in a divorce. What do you need to do in order to prepare?

1. I ask my clients, at the beginning of the case, to read my two articles, in my blog "*Perspectives of a Small Town Lawyer*", www.hunterlawfirm.net, "*Something Constructive: How to Organize the Facts in Your Case*" and "*More About Organizing the Facts in Your Case*". You can find these articles by entering partial phrases into my blog search engine. "How to Organize" or "More About Organizing" will find them instantly.

2. This is where they learn that we collect the "pieces of the puzzle". We call them "objects", the people, the documents, the events, the places, and the physical objects that make up their story. This is hard for them, to realize their spouse, spouse's lawyer, children, the other driver, the school bus driver, text messages, e-mails, letters, bills, receipts, building, physical attacks, altercations, and myriad other things are "objects".

3. This is because a case is made up of evidence. A witnesses testimony is evidence, but that person may need to produce that phone record, text, photograph, or tax return that confirms the accuracy of the testimony. So, the witness and his lawyer must collect those objects, the pieces of the puzzle.

4. The witness must carefully review the pleadings before her deposition. This is the complaint or petition we filed, or the one served on my client by the other side.

5. Also as part of our preparation, after the objects are identified, and my client's goals and concerns are listed (Burt's "top ten lists"), **we must work off of a detailed timeline.** It is so effective for a witness to know when he and his wife first met, when their children were born, when that domestic violence petition was filed, or when the accident took place, the claim was filed, the doctors visits took place, and the surgery was performed. We have nifty software that can create a timeline exhibit.

6. Witnesses expect the questioning lawyer to be nasty. Again, I know two lawyers whose persona IS nasty. It is inherent to their personalities. They demean, deride, bully, and insult. It is intimidating and insulting. When pushed to the absolute limit, it is critical for the a lawyer, or the adverse lawyer, to seek help from the Court. That happens only rarely.

7. More subtle, pleasant, and potentially dangerous is the friendly, professional, conversational, and reasonable lawyer. They can get you to give in on points the angry lawyer cannot. **And, of course, there are those in the middle, tough, aggressive, but professional and fair.**

8. The deponent must prepare for all kinds of potential questioners.

9. After careful preparation, my advice is;

a. Listen carefully to the question:

b. If you can answer, do so directly and concisely. I

c. If you think the answer makes you look bad, but it is basically as "yes" or "no" kind of question, give the answer! Do not try to avoid it or give the explanation before the answer. If the other lawyer will not let you explain, your lawyer will.

d. Do not volunteer facts not requested, become overly friendly, be lulled into a false sense of security by a friendly questioner or be baited into an argument.

e. When you are done, STOP! It seems so easy, but it is not. When you are nervous, you tend to ramble. And some of us just like to hear our own voices.

f. If you don't know the answer say so, but do not give up too easily.

g. If you know the answer within a range (It was last winter because there was snow on the ground.), **then state your range.** It might be "Just over six feet."; or "fifty to 100 feet"; or "between \$35,000 and \$50,000". If that's the closest you can get, say so and stop.

h. If you become tired or confused, ask for a break, water, a restroom, or a snack, and you will usually get it.

i. If your lawyer is objecting or getting angry, do not ignore that! Something is going on! Be alert. Maybe it's time for you to ask for that break.

j. Above all, tell the truth.

10. My adversaries often say you cannot correct a factual or substantive error. There may be a technical rule about that that I am not aware of, **but I disagree.** If my client said "Tuesday" and the answer was really "Wednesday", I have them write that in the errata sheet that the court reporter provides.

11. I always have my client ask to read and sign the deposition. It isn't that we mistrust the reporter, but they are human too, and we need to correct those mistakes!

12. At the end, I do not care about a paper copy. I asked for a digital one so I can index and paste the relevant testimony into software I have for that purpose.

13. Cases can be won or lost in discovery, whether by written answers or oral/video testimony.

14. If the deposition is with video, you must make sure your client is presentable, although that really is true in any kind of deposition, but remind the witness to an video deposition that the camera will pick up shifty eyes, nervous ticks, and refusals to address the question.

With these basic rules, and a bit of practice, our clients are well prepared for their depositions.

9.4 September

A "Wonderful" Step Forward in My Task Management (2014-09-26 19:40)



It has been an intense and exciting spring and summer. As a result, my writing output has suffered. Here is something that is useful, for colleagues or for clients.

In searching for "task lists" or "to do lists" in Google, I of course found Outlook. It has a comprehensive Tasklist module.

Perhaps because we have all our e-mails, calendar entries, and Contacts in Outlook, our task lists were

gigantic and, therefore, basically useless to me.

When I was new at this, I could pull a rolling cart of all my files up to my desk, review each one, and keep 30-60 tasks on a yellow pad.

I would line out the ones that were done, and re-do the page weekly. As Maryann Hopkins sang, "Those Were The Days My Friend".

I love our calendaring, our many reminders, and our "suspense system" where nothing goes out without a hook in it to remind us to follow-up, but my old-fashioned "to do list" is a shell of its old self. I have a good routine, proofing, reviewing mail, and short dictation for 2-3 hours each morning for example, but I felt I was losing track of priorities and long-term goals.

So, I located a free app, which of course has a paid version, called "Wunderlist". It can reside on my desktop, laptop, iPhone, and iPad. It synchs automatically, and I can add staff to any "list" I want them on. And each task easily allows subtasks as well had deadlines and reminders. It allows you to attach files, photographs, etc!

I then notice that www.Lynda.com has a short course module for Wunderlist, so I viewed it. I checked YouTube and found some good video tutorials, including several by Steve Dotto. He also has other tutorials, on Evernote, Dropbox, Google Cloud, etc. He is helpful and entertaining.

So, here is what I have done.

1. I have entered 20-30 tasks into my inbox.
2. For several I easily entered a deadline, and an e-mail reminder date and time.
3. Important ones I "favorite" with a star.
4. I created six categories:
 - a. BURT WORK SHORT TERM;
 - b. BURT WORK LONG TERM/PROJECTS;
 - c. BURT PERSONAL SHORT TERM;
 - d. BURT PERSONAL LONG TERM/PROJECTS;
 - e. ASSIGNED TO STAFF;
 - f. BURTS TASK REQUEST TO NANCY (my beloved wife).
5. It took all of 5 minutes to move 30 tasks into these various categories.

I have written elsewhere of breaking my tasks into "urgent but not important", "urgent and important", and "important but not urgent", and will not repeat that here, but these six categories suit me.

My staff can take my assignments, set up their own tasks, and manage them. I can scan my assign-

ments from time to time to follow that up.

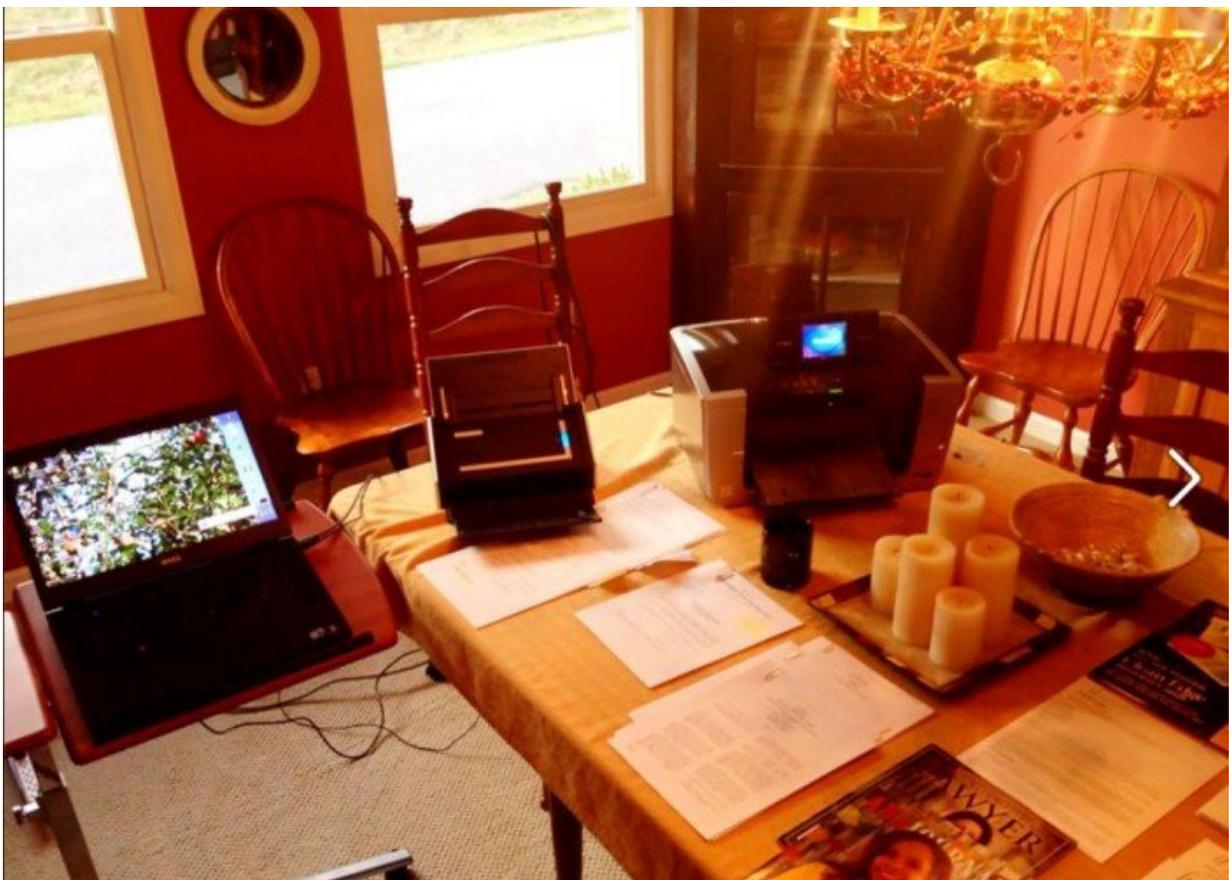
I am excited by this product. I noted that several tutorials and articles linked Wunderlist to productivity expert David Allen, so I bought his little five starred book from form my Amazon Kindle Paperwhite. The book is "Getting things Done", "The Art of Stress-Free Productivity". It is a good summary of the productivity tips we all know, but forget. I am 25 per cent through with it and recommend it.

I hope this short post gives you a practical boost to your productivity. jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/BurtBest.jpg>

How to be Productive While Preserving One's Sanity (2014-09-19 13:22)

[1]



Having spent the last four days spending 7:00 a.m. - 10:00 a.m. proofing, revising, dictation, and e-mailing, and thus keeping my wonderful staff busy and current, I found myself with an "empty day" because of a continuance of a trial.

I snapped the photo above, and then realized that this is a key to my productivity and my love for what I do.

I grew up in the Country with views of Wheeling's Oglebay Park, Wilson Lodge, 4-H Camp Russell, the Observatory, and the Mansion Museum. Nancy grew up on the prototypical, post WW II, quiet Ct. residential street, in a house built by her Dad. But she shares with me the love of privacy and peace the country provides.

Because my staff is made up of "self starters" who love to get me out of their hair, who are as honest as the day is long, I can leave them and "do my thing". I slip out early a couple times a week. Getting a full Friday is a real luxury, and getting a "working vacation" on the beach is even more rare.

But, with my Dell Latitude Laptop, my Fujitsu Scansnap Scanner, Canon Multifunction printers (we now have two), my iPad, iPhone, paid Wunderlist, hosted Outlook, digital cameras, dictation devices, and cam-corders, paid Evernote, paid Dropbox, and other tech niceties, I can function as if I am in the room next to them. (But, do not assume you can do this from overseas, yet.)

When selecting a lawyer, call me of course, or print this and ask them if they do the same thing. And ask them if they are in the office by 7:00 a.m. They will have an explanation of course; e.g. some other lawyers are "night owls". I like a decent night's sleep, time with my sweetheart and pets, and time for walks, in the evening, but those first few hours are the key to my staying on top of things.

A day like this is for;

- a. Writing;
- b. Research;
- c. reading;
- d. On line videos and tutorials;
- e. Internet and social media marketing and innovations; and,
- f. Long term projects.

Life is made up of:

- a. Urgent, but not important tasks** (Imposed by anxious clients, routine "must dos", and minor emergencies), which will consume you if you let them;
- b. Urgent and Important.** (You will get these things done; appeal deadlines, statutes of limitations, domestic violence filings, furious clients, etc.); and

c. Important but not urgent: (Getting these non deadline projects and goals accomplished makes the difference between the average and the superlative producer.)

These breaks from "the daily grind" help me be a "superlative producer."

jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2014/09/HomeOffice.jpg>

Many Thoughts on 9-11-14 (2014-09-11 19:50)

1. I will focus on a "how to", or "you should know" post next time. For now, several thoughts push into my mind, which I will share.

2. Today is the 13th anniversary of 9-11, 2001.

3. I was happy as I drove back from Elkins @ 10:00 a.m. today not to be afflicted with horrible news as I was 13 years ago, at the same time, on the same road, for the same purpose, when I called my wife while coming back from Weston. She watched the second plane hit as we were talking. The question remains, how can people like Al Qaeda exist in the world? Or mad men like Hitler and the Nazis?

4. And, just last evening, our President announced his plans for "degrading and destroying" a group of fanatics called "The Islamic State" which is dedicated to creating "A new Caliphate". Does the average person even know what "The Caliphate" was, or the historic conflicts between Islam and Christianity, or the schisms of both Moslem Religion, into six pieces, and The Christian Religion? I think not.

5. On the way to Elkins today, I listened to a segment in NPR about a young woman and a young man, each on death row in Pakistan, for "blaspheming the Prophet". Their charges? She was supposed to have cursed Mohamed (Islam's founder) in an argument with her neighbors, and he is accused of the same thing in an argument with "a friend." (Some friend for turning him in!) The boy was fortunate to have a prominent Pakistani lawyer volunteer to represent him. The lawyer was murdered. The girl had a Moslem and a Christian leader speak up for her and against Pakistan's defamation laws. Each of them was murdered too. The future appears bleak of each of these people, as does the future of Pakistan so long as it is dominated by such Medieval thinking.

6. That got me thinking.(Just about anything gets me thinking.) Regardless of what the defenders of Islam say, their religion is aggressive and intolerant. What kind of holy leader, knower of the secrets of the infinite, wants people to be killed simply for denying him? Mohamed? I am not a scholar of Islam, but it seems so to me.

7. Surprisingly, according to a FB "Friend" this morning, Jesus is one of those leaders. The "friend" posted a bible quotation and ordered us to "share" it right away to show we are true Christians. (It was challenging and taunting, almost like those posts, "Share this within ten minutes or have bad luck for a year.) I can't locate the post, which has scrolled out of sight, but, in effect, it has Jesus saying, "Believe in me and my divinity, or I will stand at the right hand of God and deny you entrance to heaven." This woman apparently has

that literal view of Jesus, God, and Heaven. Heaven help us! This is 2014 for God's sake!

8. I say, "For shame!" to my FB Friend for posting "Jesus' threat" of hell and damnation to non-believers. What kind of religion says, "Believe what I say, or die, or burn in everlasting hell."? No religion of sanity or reason should attempt to spread itself through fear and ignorance.

9. I agree with the fellow I heard this week on NPR, a former Moslem, born into a radical Moslem family, sick of killing and hatred and now converted to the "true Jesus". He explained that he has abandoned belief in the supernatural, but he believes in Jesus' essential values and teachings. He prefers the gentle truths of humility, pacifism, charity, empathy, tolerance, and love that Jesus's teachings contain. One does not have to believe in the supernatural to accept some core values and try to live with them. And, people can find many paths to the truth as they see it. Except for someone who will not tolerate me or my views, or who wants to impose her views on mine, she/he/they are entitled to their views. Didn't Jesus say, "Judge not lest ye shall be judged."?

10. And, lest you think that Christianity only threatens you with hell, remember the inquisition, and Galileo who was forced to recant what he had seen with his own two eyes, or be burned at the Stake. Galileo recanted, but the Sun, Moon, Earth, and Stars remain stubbornly in place. Funny how the truth does tha.

11. And then there was the talkative Scottish Presbyterian divinity student, Thomas Aikenhead. In 1696 he made light of hell, and denied the infallibility of the Bible, calling it "(The Prophet) Ezra's Romances", and Jesus' Miracles "cheap magic tricks". Just as the "Great Heretic" Baruch Spinoza, he opined that God and the world were simply the natural order.

12. Although the 18-year-old Thomas recanted loudly, and often, and passionately, he was hung by his neck until dead, at the beginning of the era that author Arthur Herman referred to in his book titled, "How the Scots Invented the Modern World." Such events are forgotten by the average American. Yet "Isis" is cutting off the heads of Americans right now for much the same fraudulent reasons. How can we dare to ignore the history of such things?

13. I also heard on N.P.R. this morning an announcement of a Ken Burns' documentary on the amazing Roosevelt family, Theodore, Franklin, Eleanor, and many more. What a great way for the average person, especially non-readers of history, to have a review of American history during the latter part of the 19th and first half of the 20th Century. Burns' series have taught me much, especially "The Civil War" which I have viewed several times.

14. Why would anyone prefer a game show or reality show, when stuff like this is available to us? History can only be a partial view down a long, sometimes dark, telescope, but Gibbon can give us Rome, Prof. Bob Briar can give us Egypt, John Julius Norwich can give us Venice, Italy, and Byzantium. David McCullough can give us The Johnstown Flood, the Brooklyn Bridge, The Trans- Continental Railroad, Truman, Adams, and many more, and Ron Chernow can give us Titan (the life of John D. Rockefeller), Alexander Hamilton, and "George Washington, A Life".

15. Again, how does one operate in this country, in this era, without knowing what preceded us, and without studying what scientists and fiction writers predict for our future?

16. It is the same for our physical world and "big history". Without knowledge of "The Big Bang Theory", the origins of life, the evolution of life, and mankind, and the natural history of our world, and without concepts like gravity, time, zero, and infinity, the extremely tiny, and the extremely large, or the extremely hot and the extremely cold, how can a person avoid believing in myths, "conspiracies", and the supernatural?

17. In a world of instant information, it seems the number of non-critical thinkers is growing. Only critical thinking and scientific methods can lead us to an accurate understanding of the world and its problems.

18. Two more examples of how "ignorance" can harm us. I don't mean this in a pejorative sense, just "ignorance" as in lack of information.

19. A nice lady with some "cognitive impairment", living on SSI, files and tries her own lawsuit in order to stop her neighbor from blocking the right of way to her 15 acre rural property. She owns 15 acres, and the right of way has existed, on the ground and in the public records, for 90 years. The neighbors hired a lawyer. Result, the "nice lady" has lost all access to her land unless further litigation can save her.

20. A nice fellow enters into a generous divorce settlement with his wife. He walks away with a net value, from an \$82,000 "marital estate" of \$4000, by assuming virtually all marital debt. She gets nearly \$80,000. They present the settlement to the family court, which approves the property and debt settlement, but allows the wife to renege and also ask for and get alimony of \$27,000. Ouch! The outcome of that too depends on further court action.

21. Even if one or both of these injustices can be undone, doing so is expensive and problematic; also stressful.

22. The core point of this post is that ignorance is NOT bliss. It is just the opposite. I believe in knowledge, and I believe in communication (a topic I touch on frequently in my writing.) I believe you can have "a spiritual side" without believing in the literal truth of myths and legends.

We have minds; let's use them!

jbh

9.5 August

MORE ON SOCIAL MEDIA REVIEWS OF LAWYERS (2014-08-22 21:52)

[1]

J. Burton Hunter

Also known as J. Burton Hunter III, John B. Hunter III

Edit my profile View my profile



Avvo
Rating

10.0

Superb

Experience ●●●●●●

Industry Recognition ●●●●●●

Professional Conduct ●●●●●●

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4 Reviews

★★★★★

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4 Endorsements

Contributor Level 4

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Two of my recent posts, "Lawyer Ratings", and "A Personal View of Finding the Right Lawyer", have led directly to this post. Anyone viewing my pages on the rating service websites will note an uptick in reviews, and that they are all positive. They include, www.AVVO.com, www.Superpages.com, Google+, www.MerchantCircle.com, and <http://www.lawyerratingz.com>.

This is not a coincidence, but it is not sinister either. I have been getting good advice, and any professional who is not ethically trying to manage his or her reputation online is playing with dynamite.

I have been learning to market myself on the web for several years. My first professional websites were miserable failures. The companies selling the products were used to selling books. I am guessing the buggy whip companies did not make great cars.

The FindLaw Company made a good try at producing quality websites. The problems were rapid turnover of their sales force, lack of flexibility, and lack of support after the original product was designed. Nevertheless, you will find some good stuff in my current site, www.hunterlawfirm.net, from content prepared seven years ago.

Recently, for a flat fee, Lauren, the graphic artist, and Dan, the programmer, collaborated in creating a WordPress-based website that incorporated both of my blogs. Unlike Findlaw, they were able to transfer my Google Blogspot blogs, "Perspectives of A Small Town Lawyer", and "West Virginia Lawyer, Tips and Techniques". into my site, and provide me one dashboard design to manage my blogs. Findlaw's only solution

was, "Do it twice for each post; sorry!" That was pretty much the last straw.

I became aware of lawyer ratings when I visited the office of my colleague and friend Daya. She and her assistant, Heather, were chuckling. The local Buckhannon Topix page had a dialogue. Speaker one inquired, "Where can I find a good divorce lawyer in Buckhannon West Virginia?"

Speaker two replied, "Run, don't walk, to the offices of Burton Hunter, he is the biggest sonofabitch in the county!"

Speaker one: "too late!"

Speaker two: "Then try Daya Wright. I hear she is pretty good".

In spite of the backhanded compliment, insult actually, I was mildly pleased that this person identified me as a "go to guy".

It was not so when I, late one Saturday evening, searching my name several layers deep in search engines did I find, to my horror,. the following

If you have not done so, I encourage you to spend time searching for yourself. I found some interesting stuff on the first "John Burton Hunter", born in 1854, photos and videos that I have posted, references to me in West Virginia Supreme Court reported cases, and other sources.

Editor's Insert: before I let you read my crappy reviews, here is one I got yesterday:

[4]

Work Injury Referral and Family Matter Representation

Posted by Amber, a Brain Injury client, a day ago [Flag](#)

Overall rating	★★★★★	Excellent
Trustworthy	●●●●●	Excellent
Responsive	●●●●●	Excellent
Knowledgeable	●●●●●	Excellent
Kept me informed	●●●●●	Excellent

- I recommend J. Hunter.
- I hired J. Hunter 1-3 years ago.
- J. Hunter handled my Brain Injury matter.
- I have previously worked with 3-5 lawyers.

Mr. Hunter and all of his assistants and employees are wonderful. I sought his counsel after my now exhusband and I were hurt at work. He looked over my case and realized that we needed represented by attorneys that specialize in the work force related injury claims. He has been the go between home town lawyer for us since February 2012, working respectfully with the other 2 law firm I sought for representation. He was there for us through every step, providing wonderful advice, a shoulder to cry on when our marriage ended during the middle of our case and even helped me with a family matter that was a very emotional and intense case. He worked so very hard on everything I came to him with. I felt very respected and important whenever I had business to take care of regarding my case. I will always recommend Mr. Hunter as a first choice attorney. I have settled my case but know that Burton will be there if I need representation in the future. I am 100% satisfied with my choice in representation!

But, when I searched for myself in Bing.com a year or so ago, I was stunned to find the following reviews:

My heart began to pump harder as I read, **and I swear to you this is true**, bald – faced lies about me. For example, I do not represent people in criminal cases, but there I was forcing someone to plead guilty to one.

[5]

728

* Registered users can respond publicly to this rating								
	5/22/11						SYSTEM: 2 negative duplicate or disallowed ratings automatically removed	
	12/18/10	1	1	1	1	1	I am not sure he actually reads his briefs. Got fooled by the opposing lawyer and argued for another 2 months about dates that had already been changed. He bullies and yells over the phone at his clients ... threatened to quit just before the court appearance. I am contacting another lawyer to sue him.	
Registered users can respond publicly to this rating								
	5/31/10	1	1	1	1	1	I tried to hire him over a custody dispute with my ex-wife. His only advise to me was "give her the children." He even refused to take the case. I went to another lawyer and won my children. I heard from one of his clients that he encouraged him to plead guilty to a crime he never committed. I would think carefully before hiring him.	
Registered users can respond publicly to this rating								
	2/14/10	1	1	1	1	1	I hired Mr.Hunter and within 2days he was very pushy with what he wanted and not what i wanted. Then he quit and breached lawyer client confidentiality agreements. I am reporting him to the Bar association. No one needs this guy to represent them. He practically handed the case over to my ex in court and now i have no rights at all with my daughter.	
Registered users can respond publicly to this rating								
	7/23/09	1	1	1	1	1	This guy wants big money, yet is inefficient, unreliable, inaccurate, disorganized and downright silly. He'll send you an email all about how he likes Irish Road Bowling, and then charge you \$20 for it! ABSURD! He's lucky I didn't file a complaint with the WV Bar. I'm still thinking about it. I might.	
Read this rating's feedback								

Perhaps it is apparent, but would you want to represent these folks? Most of this is wholly invented, or told from the perspective of a bitter person. There is a reason I decline cases, and I am not sorry I declined reviewer #2. I do a little bit of criminal defense, domestic abuse, and advise a client to accept a plea agreement, only when it is clear they will be convicted at trial. I could go on. The point is we are at the mercy of the disgruntled. The truth of these cases was that I had found that potential client to have a terrible attitude. I chose not to represent him, and another client, we had to ban from the office because he was making my staff feel threatened, I had to sue for my fee, and I collected. This was his way to retaliate.

What of the vast majority of the satisfied clients. I have learned simply to ask them for a review.

Here is my favorite review, from a courageous client:

Mr. Hunter renewed my faith in our Legal System

Posted by Vanessa, a Child Custody client, 10 days ago  Flag

Overall rating

★★★★★ Excellent

Trustworthy  Excellent

Responsive  Excellent

Knowledgeable  Excellent

Kept me informed  Excellent

- I recommend J. Hunter.
- I hired J. Hunter 6-12 months ago.
- J. Hunter handled my Child Custody matter.
- I have previously worked with 3-5 lawyers.

I am a former client of Mr. Hunter and I can honestly say that he and his staffs' hard work and dedication had a tremendous impact on both my family's life and mine. Like most cases, my legal issues were one full of emotions and the results of the case directly affected my child(ren). Mr. Hunter taught me not to allow my emotions overcome rational thoughts and actions. He renewed my faith in the legal system. He is honest, he is fair, he is a realist, he is straightforward and most importantly he is passionate about the work he does. He most impressed me when, at one point, my case involved religious beliefs/practices. Though we are both Christians, we do not share the same faith. However, Mr. Hunter fought hard on my behalf so that my family could preserve and continue to practice our faith. This example itself proved to me that he believed in our legal system and practices in a manner based on correct principles without allowing his personal beliefs to interfere with his professional abilities. He has developed a staff that work well together and share the same core values that one would expect in a law firm. His genuine kindness and concern for my family and I made it impossible not become his friend. My case may be closed but he continues to bless my life not as my attorney but as my friend. Thank you Mr. Hunter and your staff for a job well done! Best regards.

This client listened to me, followed my methods, trusted me, and got great results. The father, I sincerely hope, really has a better parenting plan for him and they child than the one they replaced.

Yet, more recently, on a site called Merchant Circle, was the following review.

[6]



Incompetent at best.
1.0  

This man is an overpriced, arrogant jerk. He utterly failed in my case and charged me over \$3000.00.

This one puzzled me, and I had no former client named "jaynajaine", so I clicked the "other reviews by jaynajaine". I noticed that she had criticized an excellent mediator for showing favoritism to men. Then it "clicked". This mediator had mediated a successful settlement for my client jaynajaine and the father of her child.

The next day, the client had expressed some regret to my assistant, so I met with her and went over the pros and cons of the settlement. She reluctantly agreed with me that it was the best we could do, and better than enduring the stress and expense of a contested trial. **She testified, under oath, that it was a fair compromise with which she was satisfied.** I guess some "Monday morning quarterback" convinced her she was wrong. I have another blog article on such "helpful" people.

The mediator had used her skills, natural talent, and attractiveness to "connect" with the other party. I guess that generated some jealousy in this embittered person. Thus, I became "a jerk", and she "favored men".

In self defense, and because I like to hear praise, a year or so ago, we began asking clients whom we liked, and hoped liked us, to write something about their experiences. Some did, but even a year ago, writing reviews was somewhat daunting, required creating accounts and passwords, and required typing into "capchecks", those funny random letters and numbers you have to decipher and type in.

Yesterday, at dinner, my wife Nancy advised that our local car dealer, whose name will remain anonymous here, follows up every service with a heavy-handed call demanding a "five-star rating". In fact, she is told that any other rating is unacceptable.

My staff has been trained simply to inquire of every client whether they were satisfied, to address promptly any dissatisfaction, and to request those who you're willing to write a review, of course respecting their privacy.

Some leave at least a first name, and others, understandably, remain anonymous. Not tell them what to say or how to say it. My friend Dick, mentioned above, has provided us an excellent short survey that allows our clients to rate us on five topics, with a comment section.

We should have been doing this for decades. If a client rates us less than a five, we do our best to find out where we fell short (usually it is the lawyer's lack of tact-what a surprise). Sometimes the client does not even realize she is not dissatisfied with us. She is unhappy that her former spouse is not obeying the court ordered parenting plan, so we have the opportunity to remind her that she needs to insist that it be abated by sending letters, or emails, or having her attorney send a letter, or returning to mediation, or filing a contempt petition.

In turn, this has been a great reminder to us to do a better job debriefing our client at the end of the case.

And, I have been able to learn what we are doing right to be reassured that at the core of what I do, many of our clients really "get it". There is an attorney in north-central West Virginia that everybody goes to, if they can afford them, because they hear that he fights dirty and effectively. I do not want those people to come to me. When they do, I can educate some of them into becoming much better parents and adversaries.

[7]

★★★★★
Aug 13, 2014
by anonymous

Mr. Hunter's staff is wonderful to work with. His staff is very hard working, they have great communication, and are very friendly! I couldn't have asked for anything better from his staff. Overall I was pleased with the outcome of my case using him as my attorney. (Hide)

Was this Review helpful to you? Yes No

[Report Abuse](#) | [Business Owner Reply to Review](#)

★★★★★
Aug 5, 2014
by anonymous

My time with Mr. hunter was very good he's a great lawyer and gets straight to business that's what I liked I won my case and he did a fabulous job. His assistants were very helpful and great to work with also. If I ever need a lawyer again Mr. hunter would be the person I'd go to so he could get the job down thank for helping me out on my case . (Hide)

Was this Review helpful to you? Yes No

[Report Abuse](#) | [Business Owner Reply to Review](#)

★★★★★
Sep 18, 2013
by anonymous

After doing a lot of research on attorneys in the area of Buckhannon, WV, I chose Burton Hunter and Associates. This was the first time I needed to consult an attorney. When I first consulted with Mr. Hunter and his team I never imagined my case would run two plus years. I am glad I chose the attorneys I did. They fought hard for my case. They were always very willing to meet my needs (believe me I had a lot. It was a family law case where I was fighting for a piece of me). They fought, researched, consulted for me like they were fighting for a member of their family. That is how each of them made me feel. It was a high-stress case for me, and they made me as comfortable as they could throughout the two plus years. If ever I need anything from them I know they will be there eager to help. In the "end" (which family law case has a real end) we came out victorious! Our hard work and persistence paid off. Thank you Mr. Hunter and Associates. (Hide)

Was this Review helpful to you? Yes 1 No 2

[Report Abuse](#) | [Business Owner Reply to Review](#)

★★★★★
Jun 12, 2013
by anonymous

I just finished with my divorce proceedings and am very happy the way things turned out. A big thank you to Mr. Hunter and his staff. They are great.

Was this Review helpful to you? Yes 3 No 0

[Report Abuse](#) | [Business Owner Reply to Review](#)

In one case I accepted a client, at his sister's request, who had put his wife in the hospital with his fist. I received an accusation from her attorney that he had likewise uprooted every single shrub around their house. When he arrived at the office I confronted. His response, "those are my G.... D..... Shrubs and I'll do whatever the f....g I want to with them." I confess that for the second time in my career I physically shoved the client out my door. Good riddance.

The following are a number of reviews I have received in recent months. I humbly admit, especially in their words of praise for my staff, that they are true. I'm proud that they are true. I'm confident the truth will win out

[8]



reviewed 2 years ago

Hi Mr. Hunter. Not sure why but on your review site; when you click write review it lets you write; but it won't let me publish. Here is my review perhaps you can publish for me: Mr. Hunter has represented me now for 9 years running on many different custody issues. I've always appreciated his professionalism and concerns for my children; not to mention his wonderful staff who always kept me updated on my case. I would love to speak more about my case, but I would not even know where to begin; since my court file is the size of a yellow pages phone book and Mr. Hunter knows best hand how my case has played out of the years. But I can say this if you have a case pending; hands down Mr. Hunter is one of the best and has protected the best interest of my children and my family. You see just recently I had my case transferred to Virginia since we live here but Mr. Hunter has set the tone for me when it comes down to finding an attorney who will fight for what's right and protects the best interest of children. Mr. Hunter I can't thank you enough for all that you have done to keep my children safe and for the restored joy in our family life. Thanks again. HC

...

[9]

KEY	Date	KNOWLEDGE	EDUCATION	TENACITY	QUALITY	VALUE	Comments	
	8/12/14	5	5	5	5	5	I was involved in a focus group Mr. Hunter conducted prior to mediation/trial of a delicate and difficult case. He was diligent in his research and very prepared for his difficult case. His staff was very professional and knowledgeable.	
Registered users can respond publicly to this rating								
	7/20/14	5	5	5	5	5	As I was reading the comments from others I was amazed at how people simply don't understand how the law works. Although my experience with Burton Hunter wasn't always a walk in the park (we didn't always agree on things) he knows the law and usually knows how the other party's lawyer works. Mr Hunter is highly respected by judges. So I figured out really fast that I needed to give him and his staff the things they asked for and be honest about everything and let them do their job. I believe he and his staff are worth every penny. Because in the end Burton Hunter is the best lawyer to represent you in what could be the most important events in your life. If I ever need representation again Burton Hunter will be the first one I call.	
Read this rating's feedback								
	8/16/13	5	5	5	5	5	IMPECABLE!!! Have retained Mr. Hunter on two occasions. Both times I received outstanding professionalism from he and his staff. They understood my situation. They are compassionate and thorough. Mr. Hunter explained my options to me, he did not "sugar coat" anything. I would not hesitate to retain him again. I will recommend this attorney to anyone I hear of needing legal representation. I feel they "go the extra mile". I will be forever grateful to Burton Hunter. I thank you, Mr. Hunter, for your helping me.	
Registered users can respond publicly to this rating								
	5/27/13	5	5	5	5	5	Mr Hunter and his staff are very helpful, friendly and persistent and anytime I call they answer me. I am so glad we picked Mr Hunter to help us. I am glad he chose to help us too!	
Registered users can respond publicly to this rating								
	4/14/13	SYSTEM: 2 positive duplicate or disallowed ratings automatically removed						
	4/10/13	5	5	5	5	5	Mr Hunter and his staff are awesome! They have always took our calls and always helped us and been very friendly, knowledgeable. They will fight tooth and nail for you. Mr. Hunter helped us out-and still is-knowing we had very little money. He is a good person, willing to help even the little guys! If you are right and want the right lawyer, call Attorney Hunter!	



Crystal Reed

★★★★★ reviewed in the last week

Mr. Hunter and his staff meet and exceed Honesty, Integrity and Professionalism in and out of the court room. You can always expect Mr. Hunter to be one step ahead and already have a plan in motion. He and his staff are very knowledgeable regarding the Laws as they have been written and will quickly refer back to it when needed. He prepares you for whatever you may face and always has your best interest in mind. If you are in need of a lawyer for any reason, I greatly recommend that you give his office a call. He and his staff are hands down the best around this area. They will walk you through each and every aspect and be sure that you get the very best representation. I personally will never use any other Attorney to represent my family but J. Burton Hunter, III and Associates, PLLC. You have my word that its worth every penny and minute of your time.... Best wishes!!!!

[11]



Carl White

★★★★★ reviewed 3 weeks ago

Honesty, Integrity, Tenacity, and Skill often seem like words from the past now rarely combined to describe an individual. Yet my nearly two years of interaction with Mr. Burton Hunter and his legal staff prove beyond any doubt that such rare people not only exist but they live and work to help those in need here in West Virginia. For better or worse, I have interacted with quite a few attorneys over the years. But none of them were an equal to Mr. Hunter. He helped me navigate very difficult, intimidating, and sanity straining waters, and I doubt I will ever be able to show my full appreciation. Thank you so much Mr. Hunter and your talented team!
...

[12]



brian riffle



reviewed in the last week

The only thing I regret about Burton Hunter is that I did not meet him sooner. He is an incredibly educated lawyer who thinks outside the box. This keeps him a step ahead of opposing counsel. He always put 110% into our case and made it easy for me to contact him whenever I had questions. He is unlike any lawyer I have worked with in the past and exceeded my expectations. He has good moral values and will fight for what he knows is right. I am very thankful for all that he has done for my family. In the future, I will never even consider going to anyone other than Burton Hunter, and if you want to win your case, you shouldn't either.

...

[13]



A Google User



reviewed 2 years ago

Mr Hunter is an exceptional lawyer. As others have stated in reviews, he treats each client as if they are his only client. He is quick to personally respond to any question or concern regardless of the time of day. His staff follow his personal, professional leadership and always provide outstanding customer service and advice. I've used Mr Hunter for divorce and custody proceedings and his decades of experience has proven successful. He requires his clients to display high levels of integrity and bearing. The result is a history of stellar appearance and behavior before the judge. One suggestion for any potential clients: If Mr Hunter tells you to make a list, just do it! It pays off! Thank you, Mr Hunter for all your outstanding work.

[14]



Crystal Reed

★★★★★ reviewed in the last week

Mr. Hunter and his staff meet and exceed Honesty, Integrity and Professionalism in and out of the court room. You can always expect Mr. Hunter to be one step ahead and already have a plan in motion. He and his staff are very knowledgeable regarding the Laws as they have been written and will quickly refer back to it when needed. He prepares you for whatever you may face and always has your best interest in mind. If you are in need of a lawyer ...

[15]

Reviews of J. Burton Hunter, III And Associates, PLLC

Sort: [rating](#) [created](#)



Best Lawyer in Town!

5.0 ★★★★★

I have engaged the services of Burton Hunters' law firm several times over a period of many years. He has plenty of experience in law and keeps well informed. What I actually like the most about Mr. Hunter is his direct questioning of one's (my) intent and his forthrightness in questioning one's (my) logic. I like the results of clarity that such questioning evokes. And because of these in-depth conversations I have found him to be decent and honest in his approach to a specific project, the results of which is always based on the law. I highly recommend Burton Hunter III as a lawyer one can trust to give good solid advice.

By *Anonymous* July 23, 2014 at 06:27 AM

[Tweet](#) 0

[Like](#) 0

[16]



A Google User

★★★★★ reviewed 2 years ago

Mr Hunter is an exceptional lawyer. As others have stated in reviews, he treats each client as if they are his only client. He is quick to personally respond to any question or concern regardless of the time of day. His staff follow his personal, professional leadership and always provide outstanding customer service and advice. I've used Mr Hunter for divorce and custody proceedings and his decades of experience has proven successful. He requires his clients to display high levels of integrity and bearing. The result is a history of stellar appearance and behavior before the judge. One suggestion for any potential clients: If Mr Hunter tells you to make a list, just do it! It pays off! Thank you, Mr Hunter for all your outstanding work.

...

[17]



Crystal Reed

★★★★★ reviewed in the last week

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Best wishes!!!!

...

I am not the most likable fellow. I'm smarter than you think. I am very single-minded. I am strongly opinionated that my judgment is accurate so long as I receive accurate facts.

I have been called "condescending". I have been called "pushy." I have been called "a know it all". Guilty on all counts.

One of my competitors, an excellent attorney, is known as "The Tiger". He and I once represented separate grandmothers, of the same boy, injured by the same piece of filing stone. I settled our case a bit earlier for a bit more than my competitor, and my client said "the Bulldog beat the Tiger that time." I don't market the label "bulldog", but I certainly do not mind it. If a bulldog is reasonably courageous, latches on and won't let go, and is very determined, I am happy to have those traits.

People want to know they can find a lawyer they can trust, who will care about them, who will care about their children, and who will get up every day burning to do a good job.

You would think that the rigors of law school would guarantee that result with every attorney. That has not been my experience. Some decide, after working hard throughout law school, to cruise after that. Others lack common sense. Others seem to think that being an adversary means being nasty. I market myself in a manner to show these are not the principles I follow.

As a result, I believe I get a somewhat higher quality client than the average attorney. Not wealthier, because the word is out that I will cut people break, but more decent and honest. You will note a thread among those who review me revealing tension between us as I repeatedly and determinedly work to get them to follow my methods and to adhere to my standards.

One of the reasons I got these reviews, are that these reviewers really got it". They followed my procedures and trusted my advice.

So, reviews will now be a common part of the lawyer's life. All lawyers had better get used to that.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/08/Avvo.jpg>
2. <http://www.MerchantCircle.com/>
3. <http://www.lawyerratingz.com/>
4. <http://hunterlawfirm.net/wp-content/uploads/2014/08/AmbersSong.jpg>
5. <http://hunterlawfirm.net/wp-content/uploads/2014/08/AgendaReview2.jpg>
6. <http://hunterlawfirm.net/wp-content/uploads/2014/08/incompetent1.jpg>
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10. <http://hunterlawfirm.net/wp-content/uploads/2014/08/MrHunterStaff1.jpg>
11. <http://hunterlawfirm.net/wp-content/uploads/2014/08/honestlyintegrity1.jpg>
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13. <http://hunterlawfirm.net/wp-content/uploads/2014/08/exceptional1.jpg>
14. <http://hunterlawfirm.net/wp-content/uploads/2014/08/exceedhonestly1.jpg>
15. <http://hunterlawfirm.net/wp-content/uploads/2014/08/bestlawyer1.jpg>
16. <http://hunterlawfirm.net/wp-content/uploads/2014/08/exceptional.jpg>
17. <http://hunterlawfirm.net/wp-content/uploads/2014/08/MrHunterStaff.jpg>

[1]

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email: hunterjb@hunterlawfirm.net

ATTORNEY AT LAW
Hunter & Associates, PLLC
WEST VIRGINIA LAW PRACTICE

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Read My Blogs!

J. Burton Hunter III and Assocs, PLLC 2014 Big Book Ad

You might call this guy based on the ad, but, nowadays,

probably NOT without out looking him up on the Net.

Personal injury lawyer marketing is a caricature.

Lawyers have found television to be a very effective tool in marketing themselves. That means that the lawyer has 30 to 60 seconds to establish a brand and generate interest. As a result, the greatest emphasis is on how tough and aggressive lawyer can be and how much money that lawyer will get for you from that greedy insurance company. The lawyers play right into the hands of the forces of our stereotype. **But, the "bottom line" is that it gets them business.**

My question is, is there another way?

I would like to think so, and here are some ideas.

Since West Virginia runs at least five years behind the rest of the country in social trends, **The Yellow Pages is probably the second most effective way** (Next to word of mouth), **in a small town**, for an attorney to market herself for personal injury, family law, bankruptcy, and civil litigation.

At best, the person seeking a lawyer in the Yellow Pages has one page or maybe a "double truck", spread of two pages, attesting to the lawyer's experience, dedication, and ability to "bring home the bacon". My "Big Book" add is above. I am told that Duffy is the best part.

Since there is a lawyer on the "bad side" of every issue, whether it is civil rights, employment discrimination, criminal defense, or election disputes, is it any wonder that **the average American dislikes and mistrusts lawyers?**

Is it possible for you to follow a different model, or for the potential client to follow a different process, **in finding the right lawyer to handle the client's personal injury claim?**

I believe so, and am fortunate to have had a busy personal injury part of my practice for decades. The cost per person is too expensive for t.v., which may be why you see so few t.v. lawyers from Philippi, Grafton, Parsons, Buckhannon, Weston, and even Elkins.

What should a citizen from a rural county do if he has, a **devastating fire**, a **serious auto collision**, or a **major disabling injury at work?** Where should he and his family turn? He/they will deal with the crisis of course, find another place to stay, try to recover lost items, and call their insurance company.

Assuming they, or the people around them, remember that they simply must consult a competent lawyer, what next?

What if that person, his friends or family, had heard of a local "general trial" lawyer, who consistently, day in and day out, provides solid, quality, work to the people in his area.

Could that lawyer, even with great experience and a wonderful staff, **provide the representation that client needs?.**

I think so, and here is my argument:

1. In my case:

- a. if the lawyer has maintained currency in his profession,**
- b. with plenty of continuing education,**
- c. membership in several professional organizations, and,**

d. an intense interest in law practice technology, the answer is an emphatic YES.

Using a.- d. above, **I am very comfortable handling in office the traditional injury cases**, auto-auto, auto-truck, auto-motorcycle, auto-pedestrian, and premises liability, also known as "slip and fall" when the case values are under \$250,000.

For the more complicated or specialized cases, I have learned who in WV are respected experts on various subjects such as collision reconstruction, insurance coverage disputes, real property contracts, and medical issues.

I have also learned of the lawyers and firms with the best reputations among their peers, and the ones who will work with local counsel with honesty, competency, and respect, and the ones that seem "too busy".

What does this mean, as a practical matter?

It means that the client can safely come to me with a \$10,000 case or a \$10,000,000.00 case.

The client gets a prompt, face to face, meeting, at home or in the hospital if necessary, with a senior attorney, not a junior associate or staff person.

If it appears to be a "traditional" case (see definition above), the attorney, client, and staff begin instantly the gathering of information and notification of the insurance officer of the claim. The advantage to the client is:

a. Having an attorney with experience:

b. Having him nearby, a member of his community;

c. A contingency likely to be LESS than the t.v. advertising firms;

d. A negotiated settlement, USUALLY WITHOUT THE FILING OF A LAWSUIT.

But, what if the case is much more complex? The typical medical malpractice case or "deliberate intent, industrial injury, case requires the attorney to advance anywhere from \$20,000- \$100,000 of litigation expenses and wait a year or two to be paid.

These expenses include:

a. engineering reports,

b. medical experts,

c. Economists,

d. Vocational experts

e. depositions, and,

f. travel costs.

It makes sense to want the attorney handling your industrial injury case to have done dozens or hundreds of such cases, just as you would to represent a brain-injured child.

If you begin with your small-town general trial attorney, you know he or she as a reputation to protect in that community, who is well-known by the people that community, and she cares deeply for the people, especially the children, of his community. Television and The Yellow Pages do not tell you that.

Some "case histories" can help to explain my ideas: specific details have been changed or left out in respect for client privacy:

Scenario Number One

1 . A grieving mother contacts her family law attorney because her young adult daughter has been in a tragic rollover collision. The attorney takes the case, investigates, and negotiates a settlement for all available auto insurance.

2. The attorney realizes that this settlement will result in the child's losing Medicaid insurance coverage and SSI benefits because her benefits are "means tested". So, the attorney calls a colleague to help set up a "special needs trust" so these funds can be used for the young adult without causing her to lose her benefits.

3. The attorney then contacts a nationally known West Virginia firm experienced in handling product liability cases. That firm immediately seizes the destroyed vehicle, has it evaluated by experts, and asserts a claim for a defective product. Testing of the seatbelt reveals that function properly, but additional testing confirms that the design of the suspension was defective. The result of the subsequent litigation was a negotiated settlement providing financial security for the young person and her family.

4. In these cases, total fees and expenses for the client remain the same because West Virginia law permits attorneys lawyers to associate in a transparent manner for the benefit of their clients. Direct referrals require little if any advertising by the firms so that she splitting makes lots of cents.

Scenario Number Two

1. The second scenario involves an older couple returning from vacation, when their struck head-on by a person who had worked too long that day in the heat and passed out at the wheel.

2. The resulting collision resulted in serious injury and hundreds of thousands of dollars of medical expenses to the couple, weeks of hospitalization, endangerment to the viability of the family business, and massive future potential medical expenses.

3. Although they had done exactly what there's insurance agent recommended, and even purchased "personal umbrella coverage, **they received a denial letter from their carrier who informed them their coverage was less than their medical bills alone.**

4. The couple determined to entrust their case to a small firm attorney who they know and trust.

5. Fortunately, claimants' attorney had formed a relationship with one of the top insurance experts in the state, who analyzed the case and "found" additional "underinsured coverage" in a "seven figure" sum. **That was sufficient to lead to a negotiated settlement**, preserving the family business, and providing a lifetime of financial security to the couple.

Subrogation Claims and Means Tested Benefits

These cases often have another central theme. In most of these cases, there are private insurance, Workers Compensation, Medicare, or Medicaid **subrogation claims**. "Subrogation" means that the carrier can demand to be paid back when the claimant recovers from the "at fault party".

Negotiating and paying subrogation claims, and keeping the claimant from losing "means-tested" benefits can be highly technical and time consuming, and when done well, it **can save the claimants thousands of dollars**. The "tortfeasor's" carrier often uses subrogation claims to delay paying out the settlement. They love collecting the claimant's interest.

Such cases required tenacity, experience, and innovation by the lawyer in order to get the client paid.

Scenario Number Three

1. The third scenario involves a family who lost the breadwinner of the family in a tragic industrial action.

2. Not knowing how to proceed, the family decides "to wait-and-see" as other families retained counsel and moved forward with their claims.

3. Fortunately, they happened to chat with their "family lawyer" in an unrelated matter, and within two days the widow was meeting face to face with the lawyer some people believe is the top "deliberate intent" lawyer in the state.

4. By making that connection, the "family attorney" helped the family get a large, out of court, settlement.

The Benefits of Counsel Associating

1. In these cases, the fee percentage is often the same as the client would pay if he hired the "specialist" directly, and he gets the benefits of two law firms, local and large city.

2. As lead counsel proceeds to gather information, notify the tortfeasor's insurance carrier, file suit if necessary, and proceed with discovery, **local counsel is able to help answer the family's immediate questions**, to deal with their creditors, to cope with daily life problems, and even to assist when family relationships became strained.

3. By having a local counsel with his or her finger on the pulse of the affairs, the lead counsel has somebody to help maintain the communication and keep the team working towards a common goal.

4. Claimant who has been represented by a proper combination of local and "specialized" counsel, using well-trained experts, usually finish their case believing that they have been well-served.

5. **A good result cannot be guaranteed in any case, but by playing the best odds,** good results often follow. That's better than hiring a lawyer you do not know.

6. **Having a lawyer you can visit every week or two,** chat with his paralegal and contact if lead counsel hasn't called him back is invaluable.

7. Local counsel can keep lead counsel informed of personal crises in the client(s) lives. Often counsel can help the client solve these crises.

It is possible to find a good lawyer via t.v. or Yellow Pages, but why trust your life and livelihood to chance? Maximize the odds that you can find the best lawyer(s) for your case.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/08/Yellowpages.jpeg>

Adventures in Social Media Marketing - The Mystery of The #Hashtag (2014-08-03 21:28)

[1]



My new website: [2]www.hunterlawfirm.net

This will be a short post to "WV Lawyer - Tips and Techniques" for small firm lawyers and small businesses who are addressing the challenge of creating a marketing plan that includes something besides The Yellow Pages.

Note I did NOT say, "instead of The Yellow Pages". I doubled my Yellow Pages budget this year after cutting back, to my detriment, in order to be able to afford nearly \$1400/mo. for my Findlaw website. Like it or not, or believe it or not, but potential litigants in North Central WV still look for a lawyer in the Yellow Pages in numbers similar to those who are searching for them on the WEB.

BUT, once a client finds you in the Yellow Pages or even by a recommendation by a trusted friend or relative, that potential client is more and more likely to look you up on the WEB. So, if your Google Maps page is not claimed, or Your Google +, or Yelp, Linked In, AVVO, or Facebook professional page, or other websites, **or if your reviews are mediocre or missing, then YOU HAVE A PROBLEM!**

Establishing a major site with Findlaw, was quite a challenge. We had two major projects, creating, and two years later, revising, my site at [3]www.hunterlawfirm.net . But, once established, my Findlaw site became static. Because of turnover, I never knew who to contact, a just could not and my Findlaw representative just could not answer my questions, and make the changes that I needed. And, \$1200+/mo. was quite a drain to my marketing budget.

[4] www.hunterlawfirm.net is still my url, but it is very much changed now. I spent @ \$4000 with some bright young entrepreneurs, a graphic artist, and a programmer, to establish my site on a Wordpress platform. My first page is shown above.

Now, for @ \$200/mo. of maintenance, Dan the programmer keeps track of the site, monitoring it, making minor changes and adjustments, and answering my questions as they arise.

Recently, I noticed a colleague who has a link in his e-mail signature to a site called [5]www.AVVO.com. I clicked on it and discovered that he and his firm had ratings of "Superb - 10.0".

With his suggestions, I was able to move my AVVO rating from 6.5 to my own "Superb", 9.8. If you care to give me a kind "five star review", I might make it to a 10.0 rating myself: here it is: <http://tinyurl.com/lrtybyg>

At my request, Dan was able to insert a button link on my page to **AVVO**. , in addition to the others he had already installed, for Facebook, Twitter, Google +, and Linked In.

Here is that page. The AVVO button is lower right.

[6]



As I continued my efforts to become savvy with Internet Marketing, I went to [7]www.Lynda.com and found a course "The Essentials of Twitter". I was on the road, and my ATT &T data downloading was very disappointing. I will watch the Lynda course later. And, after spending an hour or so with the course, it did not explain hashtags. They are a mystery.

I went to Youtube.com and discovered an 8 minute video by #Jerad Hill . He pitched his "free course" on [8]www.Edemy.com which I also viewed. I had to download an app for Ademy, but this course was, indeed, free. Now Edemy is trying to get me to spend \$10- \$100 per course on other not so free courses.

Here is the link to Jerad Hill's course. It really does not solve the mystery, but it has convinced me that I will just try to #hashtag my key words, especially on Twitter, and see what happens. [9]<https://www.udemy.com/understanding-hashtags-in-social-media/>. He suggests that we use hashtags for FaceBook, Google+, Pinterest, and photo sites.

If you like to write, as I do, and find this stuff to be fun, as I do, then dive in and see what happens.

For heavens sake, do not fail to claim your profiles on the major free sites!

My friend Dick Billick has shown me a survey questionnaire system to help me and my staff manage my reputation and get some good reviews. Write me at [10]hunterjib@hunterlawfirm.net, and I will send you Dick's e-mail address.

I hope found something worthwhile here. If you only claim your profile on AVVO.com, I think you did.

#hashtags ; #Jerad Hill #WVLawyerTipsandTechniques

jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2014/08/2014BurtsWEBSITE.jpg>
2. <http://www.hunterlawfirm.net/>
3. <http://www.hunterlawfirm.net/>
4. <http://www.hunterlawfirm.net/>
5. <http://www.AVVO.com/>
6. <http://hunterlawfirm.net/wp-content/uploads/2014/08/2014BurtsWebsite2.jpg>
7. <http://www.Lynda.com/>
8. <http://www.Edemy.com/>
9. <https://www.udemy.com/understanding-hashtags-in-social-media/>
10. <mailto:hunterjb@hunterlawfirm.net>

9.6 July

A Totally Unenforceable Marriage Contract (2014-07-28 20:21)

In a near perfect world, people would not have to enter into a contract to merge their lives according to these principles. From my experience, most of my 3000 + family law cases result from gross violations of the principles set out below, and most "difficult" cases do too.

MARRIAGE CONTRACT

Come now the parties, the party of the first part, known as the wife, and the party the second part, the husband, who, in consideration of their mutual love, admiration, commitment and respect, mutually agree as follows:

Whereas, the parties recognize she and he will swear their undying love to one another when they marry, as they have agreed to do;

Whereas, the parties know that such promises of commitment and fidelity are unenforceable under the law;

And Whereas, the parties know that these solemn promises are worth only what each party's word is worth.

Each is forewarned that marrying for frivolous or short term, or prurient, reasons is contrary to their best interests and the interests of any children they may have, as is the abuse of alcohol, drugs, or each other;

And, Whereas, each party recognizes that equality is the standard by which they will measure their relationship;

And Whereas, the parties are/are not (if not, all references to children are adjusted to the situation of the parties re: step children or other family members who are children) desirous of having children and setting the best examples for them they possibly can during their upbringing:

Now, therefore:

1. The parties hereby agree to marry for life on the _____ day of _____, _Mo. _, (year).

2. The parties solemnly promise follows:

a. Neither party will attempt to control, demean, abuse, or neglect the other.

b. Recognizing that the parties have agreed to become life partners, the parties agree that their primary commitment will be to one another, but neither party will attempt unduly to limit the other parties contact with family or friends.

c. In turn, neither party will place their commitment to extended family or friends to take precedence over their marital commitment, since it is essential, especially if the parties have children together, to lay a proper foundation for rearing those children and for maintaining and nurturing that lifetime relationship.

e. Each party commits to a loving, physical, and sexual relationship to the extent that each is able to maintain such a relationship, and to do such study and learning as to be able to maintain such a relationship in spite of the stresses and pressures of their lives.

f. Each party will pursue her/his life in a manner to seek physical and emotional health. More particularly, the parties will follow sound nutritional practices, endeavor to maintain fitness, avoid excessive use of alcohol, illegal drugs, unnecessary dependency upon pain and other medications, and unhealthful lifestyle and health practices.

g. Neither party will boss the other, or be "mean" to the other, or make fun of the person in front of friends or family, or physically place hands on the other person in an insulting or abusive manner.

h. In this new world of The Internet and social media, each party will conduct himself and herself on the Internet in a manner they will not be embarrassed to reveal to their parents, their spouse, their best friend, or their minister.

i. In turn, neither party will endeavor to control, or demand that the other party not participate in, regular social media interaction in a manner consistent with the values of the parties.

j. The parties agree to share everything they own, pool their resources, pay their bills from one source, maintain financial moderation, pay their bills on time, and live within their means.

k. As members of a modern society, the parties will not "live with their heads in the sand". They will endeavor to learn, read, maintain knowledge of current events and world developments, understand and convey to their children, information of modern technology and communication, and learn and pursue critical thinking and intelligent communication.

l. Within their means and capabilities, the parties will endeavor to foster in their children mutual respect and love, respect for their parents, obedience to their parents, reading, learning, exploring, creating, and maintaining health and fitness. They recognize that discipline, measured and wise, is a key element in raising whole and health children to adulthood.

m. The parties, of course, in marrying, have committed to one another fidelity, love, respect and commitment, but if the marriage fails, the parties likewise commit, and will be bound, to retain competent counsel,

experienced in alternate dispute resolution, to avoid acts of domestic violence, threats or coercion, to place their children first, not to expose the children to any "significant other", not to place the children in the middle of controversies, not to communicate through children, not to act around the children in a manner contrary to their welfare, and never, never permit the parties' families or friends to become "warring camps", on Facebook or in the "real world."

n. Therefore, if either party is so miserable in the marital relationship, as to call it off, the other party will not attempt through emotional blackmail, threats, guilt trips, or undue pressure, to force that person to stay in a relationship where they are not happy, and the parties will attempt to put off having other relationships until separation and divorce have been completed.

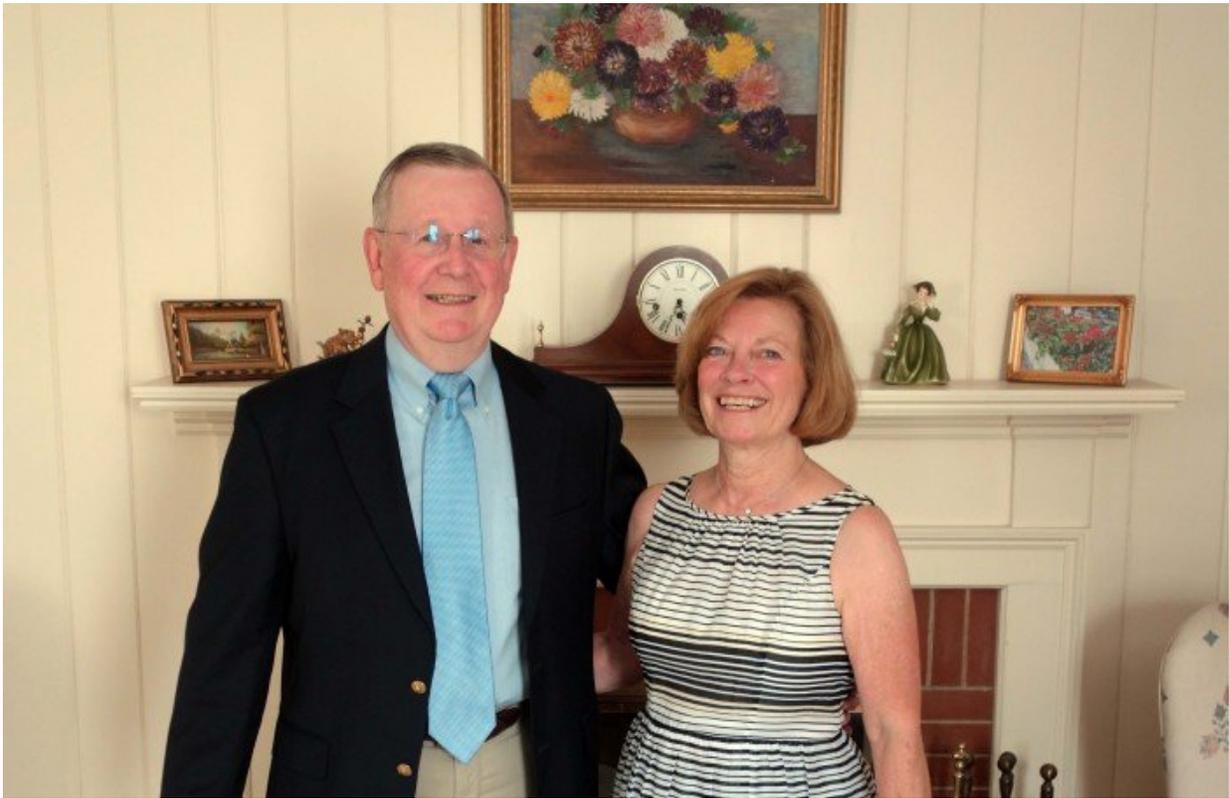
o. Consistent with paragraph "m.", however, in light of the profound seriousness of the commitment the parties have undertaken, they will not part lightly and will explore every reasonable option to save a marriage, especially marital, conflict, intimacy, or communication counseling, or personal therapeutic counseling if either or both parties should need that.

p. If the parties discover, following separation and/or divorce, that they are unable to communicate by placing the children first, and that their communication results in conflict and controversy, they will seek out a trained "conflict counselor" an attempt to acquire the tools they need to work collaboratively in raising the children while living separate from one another.

q. The parties are confident, having committed to one another and their children in this detail, that they are entering into this marriage with an excellent chance for a lifetime together.

Signed: _____ (husband) Date: _____

_____ (wife) Date: _____



For those of you who simply want to know what I do and where I do it, here goes:

1. My personal injury/insurance practice includes:

a. Auto, Truck, Motorcycle, and Pedestrian collisions. I can do these in any county in the State. I can find out of state counsel as necessary for WV Residents who encounter problems while away, and associate as necessary.

b. Premises liability (slip and fall) cases, insurance bad faith (refusal to settle your claim properly), industrial injuries (deliberate intent), and medical malpractice.

c. As a longstanding member of the WV Assoc. for Justice, and its Board of Governors, I have learned who has the best reputations in various parts of the state, and I associate on major matters with those most familiar with local judges and courts. It has taken decades to make these connections and gain that knowledge.

2. My Family and Civil Practice require more consideration of geographical distances, so I focus those on Upshur County (Buckhannon), Lewis County (Weston), Harrison County (Clarksburg, Bridgeport), Barbour County (Philippi), Randolph County (Elkins), Tucker County (Parsons), Taylor County (Grafton); Gilmer County (Grafton), Braxton County (Sutton), Nicholas County (Summersville), Webster County (Webster Springs), and areas within 100 miles of Buckhannon. My "old home town" is Wheeling (Ohio County), so I would consider associating with one of my friends/colleagues there too.

3. My civil practice includes disputes over wills and estates, estate settlements, contract disputes,

real estate disputes, boundary line and title disputes, will challenges, injunctions, and other disputes of a dollar sum in excess of \$25,000. Less than that makes is very hard to be cost-effective since civil litigation can be expensive.

4. One of my favorite services is "A Legal Check List". Just search for that term in my blog. \$500, and I review your wills, powers of attorney, your insurance coverages, and other things you don't even realize you must periodically review. I share access to my writings and resources, and we form a relationship where I can help if problems develop. I love "preventive law" and don't get to do enough of it.

5. My Family Law Practice, which takes the majority of my time, includes:

a. Divorces Petitioner;

b. Divorces Respondent;

c. What is common known as child custody disputes, but what is really:

Allocation of parenting time.

Decision making;

Addiction issues;

Abuse issues;

Access to records;

Adoption; and

Domestic violence.

d. Equitable distribution of marital assets and debts, including retirement assets and real estate.

e. Alimony and Spousal support;

f. Modification of Court Orders.

g. Relocation disputes, to other counties, states, and countries; and

h. Contempt matters.

4. Mediation. I represent parties in mediation involving any of the areas listed above, and I will conduct mediation as a court trained and certified mediator in any of these areas. I love to mediate disputes.

We do not do workers compensation, unemployment compensation, social security, or bankruptcy. But call me and I can tell you firms that I know who work in these practice areas. **Often we collaborate.**

If short, as a small town general trial lawyer, I need to know a lot about many things. We are always happy to share what we know.

jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2014/07/BurtNancyPreReunionCroppedLite.jpg>

Lawyer Ratings (2014-07-21 14:08)

My colleagues and I in WV have been largely spared the instant feedback that online lawyer ratings provide, and the threat, challenge, and opportunity of this "Brave New World".

Even today, the Yellow Pages brings in as many clients as my Internet advertising, and simple "word of mouth" brings in more than all my advertising combined.

But, that's about to change, big time! My first warning of this was 2-3 years ago, when I learned that a couple fellows had ganged up and posted several pejorative comments of me. They had me pleading a guy guilty to DUI even though I don't handle DUI cases. They also had me telling a male client he had no chance for "custody" when that term has been outmoded in WV for ten years. Truth is, we can get parenting time, shared decision making on major matters, and shared access to all the child's records, for every fit parent.

Getting decent reviews means we have to do good work and ask our clients for feedback. This can be a humbling experience. Answers can be surprising. One lady was furious at me because her prior lawyer did not get an agreement to provide medical insurance for their daughter through college, something the law does not require of any father. Our results were excellent in collecting back due support monies, but not up to her expectations, so I am sure I would not get a good review for her.

Recently, I was called "a jerk" online by someone named "janajayne". In checking her other posted review, I saw she trashed a local mediator on the same day she took me to task. Turns out that, with the skillful help of the mediator, we reached a compromise agreement that the client testified she was satisfied with. The client chose the sure result in order to avoid the cost, delay, and risk of rolling the dice.

Recently, I have been getting some very touching reviews by good clients who entrusted their lives and families with us. I posted this in response to such a good review:

I did not respond to the early, negative, reviews of my services, when I stumbled on them @ 3 years ago. Once I figured out who wrote them, everything became clear.

The person who wrote this review is a dear person. She was brave and determined during a time of adversity.

Our firm's early reviewers had an agenda. Both had a fee dispute, and I found both impossible to get through to.

My experience is that the most demanding and critical of clients are also the most indignant over having to pay for our services.

I am tough on clients. They must confirm to standards of good parenting and good sense.

We give the troubled ones many chances to improve. I sometimes have to withdraw if a client persistently fails to follow my advice or act in their children's best interests.

I am been told I am not tactful. I am working on that.

Some clients arrive with such pre-conceptions about our court system or lawyers in general that I never can gain their trust. Those who buy into my system of preparing for cases, and who cooperate fully, tend to write reviews like we have received for the last two years. I am sorry I cannot please everyone, but I am happy that most of my clients eventually learn to hunker down, prepare, and behave. They are the ones who make me want to get out of bed in the morning.

45 Years After the First Moon Landing (2014-07-19 14:57)



Nancy and I have had two non-stop months, chronicled on FB. My blogging has dropped to its lowest in 4 years.

But, I am trying to take a few minutes this week-end to ponder, after 45 years of marriage, and 50 years out of h.s, the ramifications of the first Moon landing 45 years ago tomorrow.

I was riveted to the t.v. screen July 20, 1969, just five months post wedding. I remember thinking that this was happening before we had our first child, and that all our children would grow up in a world of space exploration, adventure, and creativity for mankind. I wrote a naïve essay where I even opined we would eventually reach the stars and become near Godlike in our abilities and accomplishments.

Didn't happen. A lack of will, courage, commitment, and imagination, caused the American people, and therefore the world, to lose the dream of moving off of this tiny, vulnerable, planet so we could fully achieve our potential.

I could not imagine in 1969 that any American government or President would preside over the virtual abandonment of our manned space program, and that our only way into space would be to hitch a ride with our arch rival. But it happened, on the watch of both of our sanctimonious political parties. Instead, we settled for "bridges to nowhere" and empty promises and platitudes. And, we, in our "wisdom" selected these guys to lead us.

It's not like we did so in order to care for the poor, foster equality, or clean up our planet. We have done poorly in all of those endeavors.

We have lost the innumerable scientific and technical, achievements that a vibrant space program would have fostered, in medicine, genetics, computers, energy conservation, biology, ecology, etc.

By now, we should have a city-like space station, or several, orbiting us, a colony on the moon, mining and manufacturing, and our first feet on Mars.

But, we do have Google Glass. In the long run, our information technology will be our bridge to space, perhaps not by Americans. Woe to the world if a country without our values and commitment to freedom leads us into that world.

We now have a world where most of its population has no personal recollection of a world dominated by Hitler, the Nazis, Stalin, and Communism.

We have at least one movement trying to take their places, radical religion in its many forms. Fear, hatred, and luddism, on the march.

More subtle, but potentially our future dictator, is international capitalism and human greed.

Intelligent people everywhere should be very anxious, even afraid, of our uncertain future, our children's and grandchildren's.

Sadly, it appears our generation will not live to see even a good beginning to the future I envisioned in 1969.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Moon1.2.jpg>

The Formative Effect on a Country Boy of the 4-H Clubs in Ohio County, WV in the '50's and '60's (2014-07-08 23:43)

[1]



The Formative Effect on a Country Boy of the 4-H Clubs in Ohio County, WV in the '50's and '60's

Driving with my wife to the wedding of a good friend last, my mind went back to my early years in the 4-H club and how those experiences formed me as an adult.

[2]



I explained to her that the structure of the 4-H clubs was ingenious. Looking back, I don't believe that it was manipulative or that we were indoctrinated. We were certainly guided towards leadership, independent thinking, and competition. And we developed skills that I use today.



[4]



[5]



[6]



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[16]



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[21]



[22]



[23]









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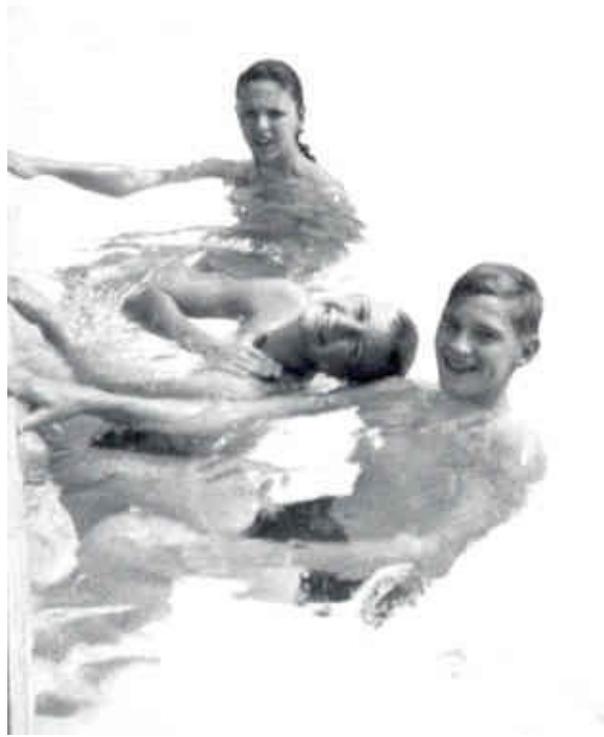
Ohio County Group at Older Youth 4-H Camp - Jackson's Mill, Jane Lew, WV

[29]



[30]

[31]



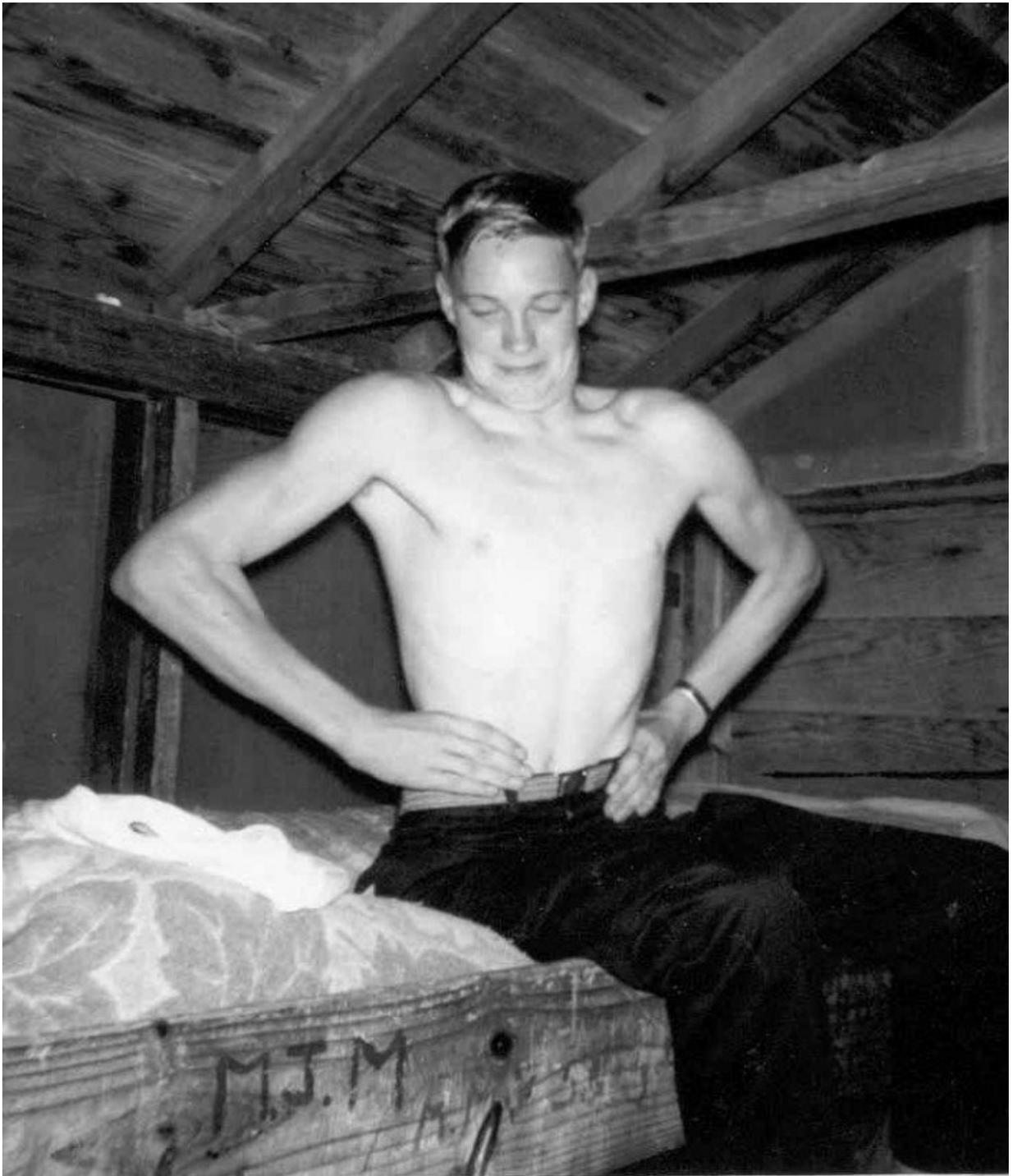
[32]



[33]



Vespers





Flag Raising.

Of course, we pledged allegiance to the flag. The pledge added "Under God", when I was in the 2nd or 3rd grade. Of course, we all accepted that was a good idea. Interesting that we were not "before God" before then (?)

[36]

780



We prayed before meals, had “vespers” in the early evening, and were otherwise respectful of religion, but it was not intrusive.

As we drove, I reminisced. I remember being a member of a committee. It was our job to come up with creative and innovative ideas. I cannot remember whether it was for a poster, a program, or an activity. The adult leader seems to have an unlimited supply of ideas, and I remember thinking, “I will never be able to do that.” I never dreamed I would have to do the equivalent of 20 similar tasks a day as an adult.

On another occasion, my job, as a committee member, was to call an adult who I did not know and schedule a meeting. I couldn’t do it! It took me an hour or two to rehearse in my mind and get up the nerve to call her. Somehow I got out the words. I don’t know how. I encountered that problem again, when two girls and I were selected at 4-H Camp (more about that below) to be interviewed by a local radio station. I tried desperately to memorize answers to the 4-5 questions they told us we would be asked. It was agonizing, enough so that I remember it 55 years later.

I also explained to Nancy that in the 4-H club you were graded, and rewarded or mildly punished, for

everything we did. When we developed self-esteem, we were expected to earn it.

At our monthly club meetings, we were assigned small presentations that we had to give to the group. Starting with a smaller group of people we knew was comforting, but it was still something brand-new to me. Our leaders, Betty and Lucille ("Louie") Wilhelm were terrific; gentle, funny, and patient. There was lots of laughter, and structure, to those meetings that started with a prayer and the Pledge of Allegiance.

We also had county-wide competitions. I will never forget going with Eric Wallace to Kruger Street Grade School in Elm Grove to do a demonstration on the preparation and baking of "drop biscuits". Our competition was a pair of girls, and we beat them. Yes! But we "only" got a red ribbon. Grading was white (worst), red, blue, and purple (best). Only one person could get the purple.

Over the course of eight years in the 4-H club, I probably did 30 demonstrations. My favorite was a photography demonstration where I photographed the judge with our family's Polaroid Land Camera. What a magical device it was. I still have that photograph and will post it here if I can find it.

We received lots of tips and guidance along the way. It was a seven year course in public speaking.

We also had something called "projects". Projects lasted for a year, with a final judgment made at the center whose name I forget, near Schenk lake. Over the years, my projects included planting 500 Pine trees behind our home, having a garden, making a bookshelf, learning photography, and many others. There was also a very important phase in a 4-H'er's life, "charting". The project manual, mimeo-graphed and stapled, allowed us to chart our development, values, and maturity. Of course, my self-analysis was that I was mature and focused. In a way I was, but, "if I only knew...".

When I was 14, I did something other than the 4-H and left for my YMCA sponsored Greyhound bus trip around the United States, 7000 miles. I was not a member, but "The Y" organized a trip, cost \$300, for 30-40 boys to tour the United States! We reached St. Louis, visited a great amusement park, became terrified in one of the world's biggest roller coasters, and got completely flooded out of our tents. I still have a photo that includes Wheeling's Dr. Rick Terry, of us in the bus with wet things hanging everywhere. That was 1959 or 60. That trip is the subject of another article.

When I returned, my garden had been carefully tended by my sister Christine. Being 14, and being Burt, I never properly thanked her, and I heard about that from my mother many times over the years, as I did when I accidentally tied her best friend's daughter (name withheld for the sake of propriety) by the ankles to a door knob and couldn't get her loose. Oh, my! Mother was mortified, and furious.

When we attended Ohio County camp, we had, in a week, a microcosm of an entire year. We learned many things including firearms safety and marksmanship, archery, nature, Native American history, had athletic team contests, and endless rounds of singing, especially around the campfire.

Camp was a metaphor for life. On Monday, we had forever ahead of us. As each day passed, we became more friendly and familiar. Pecking orders became established, and patterns formed. Of course it was MUCH different when I started at age 10 until when I finished at 17. Each week came to an end all too quickly, as I now realize, at age 68, that our brief lives do. Back then it seemed we had forever. We didn't. The camps passed oh so quickly

We had a phenomenon called the campfire where we gathered every evening after vespers. Vespers was a short religious service in a quiet setting. The campfire of course was when it was dark, and several

times I was assigned to build the campfire.

We always watched to see how quickly the fire grew and snickered when it occasionally snuffed out. Being a fan of "overbuilding", I do not think mine ever burned out. I am sure my friend, Dick Billick's, did. That's a joke. If I was assigned to build a fire, I am sure I built it with Dick, because our assignments were given to our "tribe".

Before the campfire, each tribe was assigned some sort of entertaining activity, songs, skits, gags, and "challenges".

A word about "tribes". Relying upon the fact that we are "tribal animals", of that there is no doubt, we were divided into American Indian tribal groups, Cherokee, Seneca, Mingo and Delaware. Only later did I learn that Seneca's were really Shawnees, by far the most warlike tribe, and Delaware wasn't really a tribe at all. They were the people displaced from the East Coast by the white man, from the area of the State of Delaware. They were just called Delaware by the white man. They were forced into our mountains as a retreat. I guess mountain Indians were no more prosperous than the later Scots/Irish population that followed, also displaced.

I believe our 4-H camp Delaware tribe did well. We took it very seriously, and were quite competitive. My view was the Mingos were lacking, but that was my view. Senecas and Cherokee always did well too. So we did not like them that much. I became the Delaware chief, after Dick Billick and Wayne Armstrong took their turns. Those were great times.

I can't believe it took me so long to get to the most magical and fascinating part of the 4-H Club, especially for a boy who later attended five years at an all-male military school. At 4-H Camp, just as the United Methodist Fellowship, which for some reason the longer exists, we had girls!

We didn't just have girls, We had some of the nicest, prettiest, and most exquisite female creatures on the face of the earth.

One evening we noticed that one of these creatures had so entranced our friend Wayne that he began eating his watermelon with a fork and carefully placing the seeds back on the fork rather than spitting. We considered this absolutely hilarious, and mimicked his bizarre activities to our own great delight. Wayne, Don Boyd, and I worked for several years at the Carter's Everbreeze Farm at the top of Boggs Hill Road, up from Edgington Lane. Wayne was big and strong and a decent fellow. I was a year older than Don and could hold my own with him, but we were overmatched by Wayne. He got to drive equipment, and we got stuck levelling the silage in the silo as it came pouring in, and stacking the bales onto the truck. I learned on FB recently that Wayne has died. The comments on the funeral home's website show he was as well liked as an adult as he was an a young man.

It was an honor to be selected as the 1960 Ohio County "4-H Boy of the Year". To me that was a "big deal". I have that plaque today. I was also selected to attend the Pennsylvania State 4-H Camp at Penn State University, a memorable time. I even was privileged to have "a girlfriend" there, and we were pen pals for 3-4 years. I know her name but won't say it here.

Back to 4-H camp, occasionally a young lady would permit us to walk her back to her cabin in the dusky evening, and on very rare occasions to get a kiss good night. That was heaven.

There is a sad component of my story, because my attending to three and four camps for summer was at least partially related to the fact that things were not so fun at home. My parents had some difficulties, an example of that was the fact that my mother always attended the Friday evening campfire, but Dad never

seemed to. He was a WWII US Marine Corp veteran, something I am very proud of him for, but Friday and Saturday evenings, and other times, he was “busy” at the American Legion and VFW, Veterans of Foreign wars. So, camp was a bit of escape for me.

Still, on balance, my childhood was a happy one. My dad was a nice guy, and I have no huge complaints, but my mentors in the 4-H club and the United Methodist Youth Fellowship and even earlier in the Cub Scouts, were very important, with my parents, in forming, and helping to form the person I am today.

A final teenaged memory I need to share is the United Methodist Church sending us for a week to visit NYC and the United Nations. When a member of the Russian embassy tried to sway us with propaganda, he met a rude reception. Little would I know the many surprise New York would have to me, but.....that's several other stories.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Group2.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Burt-Judy-Wayne.jpg>
3. <http://hunterlawfirm.net/wp-content/uploads/2014/07/BillDick3.jpg>
4. <http://hunterlawfirm.net/wp-content/uploads/2014/07/BillDickcropped2.jpg>
5. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Campfirecircle300dpi.jpg>
6. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Campusseldininghall.jpg>
7. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Cheifwayne.jpg>
8. <http://hunterlawfirm.net/wp-content/uploads/2014/07/CJCarolyn200.jpg>
9. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Dairyprincesses.jpg>
10. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Delawarecheer.jpg>
11. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Delawares2.jpg>
12. <http://hunterlawfirm.net/wp-content/uploads/2014/07/DelawaresWayneDickAug61.jpg>
13. <http://hunterlawfirm.net/wp-content/uploads/2014/07/DickHelen.jpg>
14. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Dickspinningball.jpg>
15. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Dininghall.jpg>
16. <http://hunterlawfirm.net/wp-content/uploads/2014/07/DiningHall1.jpg>
17. <http://hunterlawfirm.net/wp-content/uploads/2014/07/DiningHall6.jpg>
18. <http://hunterlawfirm.net/wp-content/uploads/2014/07/DiningHall9.jpg>
19. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Dininghallcropped.jpg>
20. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Diving2.jpg>
21. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Flagraising3.jpg>
22. <http://hunterlawfirm.net/wp-content/uploads/2014/07/GBryantBonneville.jpg>
23. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Groupshot2.jpg>
24. <http://hunterlawfirm.net/wp-content/uploads/2014/07/GroupshotAug61.jpg>
25. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Helen-Campbell.jpg>
26. <http://hunterlawfirm.net/wp-content/uploads/2014/07/judyflapper.jpg>
27. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Morning2.jpg>
28. <http://hunterlawfirm.net/wp-content/uploads/2014/07/OhioCounty2.jpg>
29. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Pat-Holman.jpg>
30. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Retta-Rose-Casera.jpg>
31. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Swimming.jpg>
32. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Tableleaderscropped2.jpg>
33. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Vespers.jpg>
34. <http://hunterlawfirm.net/wp-content/uploads/2014/07/waynearmstrong.jpg>

35. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Flagraising.jpg>

36. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Tableleaders.jpg>

My Prayer for Independence Day 2014 (2014-07-03 12:08)

[1]



My prayer for our nation, heading into Independence Day week-end:

1. That we appreciate the amazing freedom we have and exercise it responsibly.
2. That we tolerate and appreciate our many differences.
3. That we approach our many problems constructively, in the spirit of compromise and appreciation of the other person's point of view.
4. Instead of speaking out of ignorance or prejudice, learn, from a reliable source (and know what that means) something about the critical issues of the day.
- 5 Consider it a responsibility of our citizenship to continue our educations throughout our lives. Knowledge is power
6. Foster in our children a love of learning and reading.
7. Use our religions as a bastion of core values of right and wrong, justice, and peace, and NOT as an excuse to claim we are better than others with different views.

8. That we all have a heck of a good time this week-end. Don't blow your hand off!

1. <http://hunterlawfirm.net/wp-content/uploads/2014/07/LocustPoplarGrove.jpg>

9.7 June

An Invitation to LIKE and SUBSCRIBE (2014-06-16 20:07)

Today I will invite all my Facebook, Linked In, Twitter, and Google+ connections to "like" my professional Facebook Page, J.Burton Hunter III, and Assocs, PLLC, and to subscribe to my two blogs, "Perspectives of a Small Town Lawyer" and "WV Lawyer, Tips and Techniques."

Search for content or subscribe and wait for a post on a topic of interest, and thanks for liking and subscribing.

jbh

Launching My New Website (2014-06-13 22:08)

[1]

786



Duomo in the background; view of modern Florence, Italy, May, 2014

Today I finished my fifth revision to "Burt's History of the World - Part I, to the Age of Enlightenment".

You may now scroll through the bold faced headlines and get a summary of my summary of 6,000,000 years, in under two minutes.

Linger at the end for the YouTube video of Carl Sagon's vision of our "Small Blue Dot"

I will be sending an invitation to each of my FB friends, Linked in Connections, Twitter Universe, and Google + friends to subscribe to my blog.

Please join me in the serendipitous journey. jbh.

1. http://hunterlawfirm.net/wp-content/uploads/2014/05/IMG_4671.jpg

[1]



This is the first part a “history lesson” I wrote for our grandchildren, Anna, Jack, Grady, Lucille, Frances, and our grandchild now unborn. I include it my blog because:

1. It's what I am thinking about right now, and I write about what I am thinking about.
2. If you are an intelligent person, you probably want to know if your potential lawyer (or your adversary) is intelligent. This will give you a hint.
3. Maybe you will get an overview of history that will prompt you to read further, or maybe it will be the only history you read this month.
4. I am also writing for myself a summation of the impressions I retain from a lifetime of reading, and the last ten years or so, especially including **The Teaching Company's History of Ancient Egypt**, a course on CD by Long Island University Professor Bob Briar [2]<http://www.liu.edu/CWPost/Academics/Research/Scholars/Bob-Brier> . I commend it highly.

On my “reading to do list” are histories of China, India, Japan, and Korea. I will start with “A History of East Asia” by Charles Holcomb which I just downloaded to my Kindle. And, as I drove to work today, I heard of a new biography of Ben Franklin by Jonathan Lyons, **“The Society For Useful Things”**, the premise of which is the author's view of how Franklin led the movement to bring the Age of Enlightenment to American. It is that “Age” that launched mankind into the modern world.

My focus here is the middle of the Eurasian land mass, Egypt, Greece, Italy (Roman Empire), Greater Europe, and Byzantium. Why are they important, and why is so much of conflict of the world focused on this interface of the continents of Europe, Asia, and Africa? Interface? Perhaps part of the answer is in the question.

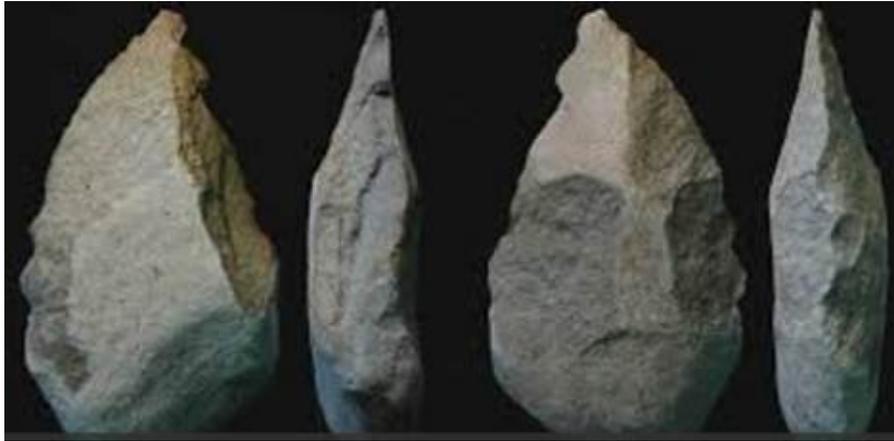
[3]



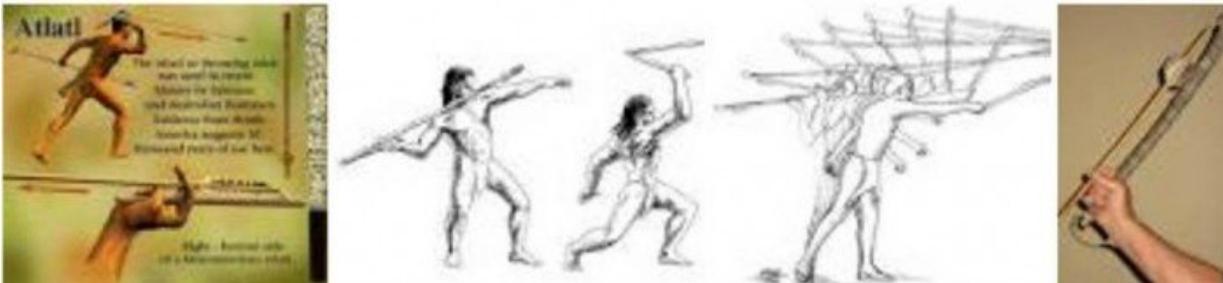
Here, kids, as Fareed Zakaria says, “is my take”:

1. **Hominids diverged from the great apes and evolved in Southern Africa over 6 plus millions of years** and migrated north through what is now the Middle East to Europe and Asia. How, why, and which species evolved? Start reading something by Richard Leakey, or Donald Johanson’s, and Blake Edgar’s “From Lucy to Language”, Simon and Schuster, and others. It is a complex and fascinating story.
2. If you have decent retention, you will have an idea of how mankind changed since we split from the great apes, and how we got where we are now.
3. **For 1.5 million years or so, there was one tool, a hand axe.** Someone, an early Leonardo DaVinci, figured out that if you broke off a piece from flint, or chert, it creates a very sharp edge. *Chert* is a fine-grained silica-rich microcrystalline, cryptocrystalline or microfibrinous sedimentary rock. Later, I figure, they also realized that it helps to have one that was pointed, leading to all sorts of things in a very slow blink of the eye.

[4]



[5]



4. Near Egypt, to the West, and elsewhere, there developed smaller knives, drills, scrapers, projectile points, and atlatl's (sticks with a groove, to lengthen the arm and fling the projectile farther than man can do with his arm alone); slings, and bows and arrows. We were on our way toward nuclear weapons and iPads. Professor Brier gives a good summary of how things developed for the 700,000 years before the Egyptian upper and lower kingdoms united.

5. As for the Geography; just look at this: Start on the large map below, at just above Spain and travel due East 8000 miles or so. **Land, land, land, wide and deep.** According to Author Jared Diamond, having so much land at the same latitudes meant that many more diverse species, and germs, and organisms, can develop than on continents like North and South America and Australia.

[6]



6. **Then check out the Americas, tall, tall, tall and narrow**, and barriers to communication such as water, deserts, swamps, and mountains. Also, with changes in latitude effecting the climate, species have less opportunity to diversify. And be sure to notice that the west coast of Europe and Africa match up nicely with the East Coast of America and **remember that once they were part of one huge continent called Gondwanaland**. It's another piece of a gigantic puzzle. Many species can be tracked back to the time the continents separated.

[7]



7. From the Gulf of Mexico to the “S” in South America, the landmass is very narrow. But East-West in Eurasia, lots of landmass with similar climates; so, the variety of species, animal and plants, was much greater, and the number of plants and animals that were domesticated was much larger.

8. As animals were domesticated, living with man, their germs and diseases easily spread. With so much space at one latitude, diversity existed, and with so much animal/man contact, disease spread, and immunities developed.

9. Thus developed the ability of European explorers and settlers to wipe out Native Americans with their germs. But let’s get back to the area in question.

10. Australia is pretty big, and there are all those Islands to the East and north, but Australia is mostly desert, again with narrow bands of habitable land. Its separation from the other continents led to the evolution of different species into nooks occupied by other creatures in the other continents. Mankind arrived their relatively late, homo sapiens, sapiens, modern man.

11. So, what an amazing stew existed in the lands surrounding the Mediterranean Sea 10,000 years ago.



12. Food producing plants and grasses were gathered, concentrated, and eventually planted and harvested. Agriculture developed, and the leaders of the Upper Nile (to the South!), and the Lower Nile (to the North) (Remember, the Nile runs from South to North), distinguished by the shape (tall and short) and color (white and red) of their headdresses, somehow united. There was a tremendous burst of civilization, creativity, myth-making, writing, and technical advance.

13. Mankind knew so little, that some with imagination, and, I suspect, a desire to lead and control, **claimed special knowledge and insights.** Some stumbled onto hallucinogens. Others fasted and followed paths such as asceticism. They saw visions, had dreams, and began what appears to be a universal trait of mankind, to find answers, even without evidence to support them. Jean Auel writes wonderful reconstructions of our world @ 40,000 years ago in The Clan of The Cave Bear series. Her protagonist Ayla invents nearly everything, including modern medicine. I think her description of the ancient wizard or medicine man, or shaman, rings true. Reference "**The Shamans of Prehistory**" by Jean Clottes and David Lewis-Williams, Harry N. Abrams, Inc.

14. And, myth and invention co-existed with fact. (Strangely, in many places, including much of America, it still does.) A priest who could predict the likely return of the flooding of the Nile, or frost, or a migrating food source, would be mighty valuable, regardless of what he believed caused it. And the ability to predict the time and place of the return of a comet, or eclipse seemed magical.

15. From the beginning, was the tug and pull of the religious and the secular(political).

16. Priests had special knowledge, such as anticipated dates of the recurrent flooding. The world was a scary place, storms, extreme cold, heat, and drought, earthquakes, volcanoes, and, of course, floods. The legend of the great flood predates, by a thousand years, the story of Noah, notwithstanding the claims of Old Testament, and the worst movie of all time, Noah.

17. But, perhaps first between the "alpha males" of the extended family, then the tribe, regional groups,

countries, and alliances, **political power and organization allowed groups to compete and succeed.**

18. Back to Egypt, in a relatively short time, during “The Old Kingdom”, the shape of the pyramids was perfected. Then **the great age of pyramid building ended, but not the construction of tombs, coffins, temples, obelisks, and statues. Egypt survived because it refused to change,** and the flooding of the Nile was so predictable, and the neighbors were so “conquerable” for ages and ages. Pharaohs did well when they were young and vigorous enough to go into battle themselves in order to vanquish their enemies. Egypt tended to falter when their Pharaoh survived to old age, or failed to have a competent male heir.

19. Professor Briar does a brilliant job of tying it all together, showing the flow, the stability, subtle change, and details such as mummies, diseases, myths, animals, hieroglyphics, and foods. Ancient Egypt finally ends with Cleopatra, and the death of her children.

From Wikipedia:

[9]



1. **Then another huge burst, the classic period of Greece**, the fact based “legend of Troy” (see graphic above), Greek mythology, and philosophical thought, something that never occurred to the Egyptians, who were obsessed with the afterlife. **Seneca, Socrates, Plato, and Aristotle to name a few names. And, astronomer/mathematicians Pythagoras, and, of course, Zeno and his famous paradox. In what seemed overnight, mankind was asking profound questions.** Zeno pondered infinity with the question, "How can an arrow move and occupy a particular point in time."
2. Then there was the development of the stage, and Greek tragedies and comedies, of which I know very little. **The key was that an environment existed to foster thinking and philosophizing, among a**

relative few, just thousands, much as occurred later during **The Reformation, Renaissance, and Age of Enlightenment, The Industrial Age, and The amazing Age of Information**, later on.

3. **Greece predated Rome in its conquests, the Spartans and Athenians, the battles against Persian, the Peloponnesian War, Alexander the Great, and the powerful and persistent influence called Hellenism into which the Christian religion merged.** The New Testament's St. Paul was a Hellenist. As I understand the Greek philosophers, and this I think as key, they perceived the world is essentially perfect, with ideal forms for what was the natural order of things. This jibed with Christian doctrine of the time. That perception would not change for nearly 2000 years.
4. **The successor of Greece was Rome.** Predated by a mysterious people called The Etruscans, Rome lasted around 1000 years, less than one third of ancient Egypt.
5. **The Romans adopted the Greek mythology, and renamed the Gods with Latin Names.** While criticized for a lack of originality, they were great organizers, and centuries under foreign tyranny made them highly resistant to attempts to subdue the
6. **The Roman Republic became the Roman Empire, and it's conquests, laws, civilization, and power spread throughout all areas surrounding the Mediterranean Sea.**
7. **The Punic wars, with Carthage (Hannibal and his elephants, etc.), finally ended with Rome in control of a huge portion of the civilized world.** Contrary to Egypt, which marched out year after year, conquered, stole, and returned with booty and tribute, The Roman Empire conquered set up its towns, forts, baths, temples, and stadia in the conquered territories, and set up its occupants as Roman citizens. Barbarians and foreigners developed the traits of Rome. They became Roman.
8. **Persistently and recurrently, aggressive peoples north of Italy, the Barbarians, attempted to defeat Italy.**
9. Gibbon, in four huge volumes, "**The Decline and Fall of the Roman Empire**", which I have not yet conquered, blames corruption and Christianity for the eventual destruction of Rome. I
10. **In the 400's, the final Roman emperor, Romulus Augustulus, passed from the scene.**
11. **The center of Christianity moved to Constantinople, site of modern Istanbul in Turkey.** The great administrator Justinian gathered the laws throughout the realm and created a uniform system of law.
12. **The struggle between Rome and Constantinople, Byzantium, especially as the center of Christendom, continued for 1100 years.**
13. **Efforts to revive Rome continued intermittently, but "the Dark Ages" persisted for another 1000 years or so.**
14. **The few learned persons, Christian monks, etc., looked back in wonder at the age and learning of Greece, Aristotle, and Plato.**
15. **Science did not exist.** It was a world of magic, fear, war, and ignorance. **(The Dark Ages.)**
16. Pardon me for being unduly vague here, but the Dark Ages ended. The Italian Renaissance, Michelangelo, Galileo, Botticelli, a Revival of Rome, and growth of Florence, and Venice occurred. (I just summarized 2000 pages into a sentence!)

17. **Venice was an island state that evolved as the inhabitants of Northern Italy periodically fled to outer islands for safety from the barbarians.** (Another 1000 pages!) Finally, they got tired of being dislodged, so with some amazing building techniques, they constructed buildings and ships and stayed on their island empire permanently. Venice turned to Byzantium and away from Rome. It still has cultural influences from the North and the West.
18. **The Pope and Roman Catholic Church were so corrupt that Luther, with the help of German Barons and France's Frances I, commenced The Reformation, a revolution against the corruption of the Catholic Church.**
19. Thanks to a gift from my wife Nancy, I have some idea of the conflict between Christianity and Islam. ("**Defenders of the Faith – Christianity and Islam Battle for the Soul of Europe**", by James Reston, Jr., Penguin Books).
20. **Charles V. of Spain became The Holy Roman Emperor** thanks to the salacious salesmanship of the Pope, Clement VII. Reston describes him as "The woebegone Medici Pope Clement VII, powerless and self-pitying.."
21. **Charles V's great enemy in the mid-1500's is Suleyman the Magnificent.** There were a number of epic battles and close calls, sieges, taking of forts, and sea battles, which ended with Islam not conquering Europe. It is hard to imagine it otherwise, but it was a pretty close call. Lucky the Moslems were not the administrators the Romans were.
22. **Then there burst forth the most brilliant burst of intellectual and scientific energy in the history of the world.** It is called "**The Age of Enlightenment**". I have mentioned it in other writing, and a client of mine did a very good book report mention in my post below. The story of the British Royalty Society is the story of that era. Descartes, Newton, Spinoza, Leibniz, Locke, Galileo, Brahe somehow breaking out of the darkness, and virtually inventing the scientific method.
23. **Sir Isaac Newton, perhaps the most powerful mind of all time, also wrote a detailed, but useless analysis of the scriptures, and was a master alchemist.** Galileo remained an avowed believer in God, as Darwin later claimed, even as they were disproving "him".
24. Here is my client's report which I published with his permission in Amazon. com, "**The Clockwork Universe: Isaac Newton, the British Royal Society, and the Birth of the Modern World**", by Edward Dolnick. [10]<http://wp.me/p4utce-3E>.
25. **Much of my recent reading is referenced in this blog post, "A Small Town Lawyer's Reading List"**, [11]<http://wp.me/p4utce-40>; These are some of the books I have read in the last several years to lead me to conclusions I will cover in Part 2.
26. **Lest we get too caught up with ourselves, I suggest you spend a couple minutes to view the perspective that Carl Sagan had on our "small blue dot":** [12]<https://www.youtube.com/watch?v=p86BPM1GV8M> .

1. <http://hunterlawfirm.net/wp-content/uploads/2014/06/RomanColoseum3.jpg>
2. <http://www.liu.edu/CWPost/Academics/Research/Scholars/Bob-Brier>
3. <http://hunterlawfirm.net/wp-content/uploads/2014/06/1CroppedContinents.jpg>
4. <http://hunterlawfirm.net/wp-content/uploads/2014/06/2HandAxes.jpg>
5. <http://hunterlawfirm.net/wp-content/uploads/2014/06/3Atlatl.jpg>
6. <http://hunterlawfirm.net/wp-content/uploads/2014/06/4EuropeAfricaAsia.jpg>

7. <http://hunterlawfirm.net/wp-content/uploads/2014/06/5NorthSouthAmerica.jpg>
8. <http://hunterlawfirm.net/wp-content/uploads/2014/06/6CroppedMediterranean.jpg>
9. <http://hunterlawfirm.net/wp-content/uploads/2014/06/7EgyptandFriends.jpg>
10. <http://wp.me/p4utce-3E>
11. <http://wp.me/p4utce-40>
12. <https://www.youtube.com/watch?v=p86BPM1GV8M>

The Beginning of an Era - And Why I Wrote My Own "History of the World". (2014-06-11 19:51)

Five years ago, I wrote my first blog post in "Perspectives of a Small Town Lawyer", [1]www.burtonhunteresq.blogspot.com . Then I rested for a year.

With our economy in shambles, four years ago, I decided to position myself for the recovery and create an adjunct to my professional website, [2]www.hunterlawfirm.net by writing my blogs.

I have done just fine professionally, although I learned that West Virginians are still just as likely to find you in the Yellow Pages and the Internet. You live and learn.

I started another blog, WV Lawyer, Tips and Techniques, [3]www.burtonhunteresq2.blogspot.com .

I left Blogger a couple months ago, but those links still work. I left Findlaw at the same time, and we completely redesigned the new site, integrating my blogs on a WordPress platform.

I have posted 240 articles, over 500 pages, and most of the content remains current; perhaps a bit rambling, but the writing is sound.

I want to follow a different path than the crowd and influence others to follow me.

I am well into "retirement age", but I intend to have a hell of a run for 10-12 more years and have fun doing it. So, with five years of "training" under my belt as an author and "wise curmudgeon", I will try new things, use these new sites of mine for good as I see it.

My first big article of this era is my "History of the World". It's my effort to pull things together.

Feedback, of course, is always welcome. jbh

1. <http://www.burtonhunteresq.blogspot.com/>
2. <http://www.hunterlawfirm.net/>
3. <http://www.burtonhunteresq2.blogspot.com/>

9.8 May

Why Bother With a Legal Check-Up? (2014-05-30 21:04)

Today a person who "just wants a will" declined an appointment. I don't do "just a will" any more. You can get one of those from Legal Zoom, or from the "newbie" lawyer in town and let your family deal with the heartbreak and/or litigation later. There really is no such thing as "just a will". Just as a doctor does, a lawyer **MUST** take a history. So, I have figured out a fair fee for a person of moderate means to tend to their legal health, just as they do with their annual physical.

My receptionist struggled a bit to articulate to the gentleman why my "flat fee" of \$500 is a bargain. So, below is what I told her to say. At the end is the link to my blog article on **A Legal Check-up**.

Dear Faye:

Here's the pitch. Mr. Hunter has 40 years' experience representing people, so he has seen hundreds of situations where their oversights and mistakes have caused those people and their families money, delay, and pain. He learned that an ounce of prevention is invaluable. So, he won't simply draft a will

without asking lots of questions. Also, he writes a great deal on subjects of interest to the average person, not just people who are in a lawsuit. And he will share that information if you will let him.

Therefore, he charges a flat fee of \$500, not just to do a will, but to discuss possible needs for powers of attorney, the pros and cons of a living will, medical powers of attorney and whether his client is properly protected with his or her insurance coverage. One simple tip may be worth "a million dollars"!

Then there are the nagging miscl. problems, unresolved injury claims, disputes with neighbors, or potential disputes with family, or even a legal problem of a close family member. Where Mr. Hunter doesn't know the solution, he probably knows a colleague who does.

Usually that initial \$500 payment will cover a full and fair review of such issues. Document production is included in the fee.

Mr. Hunter has seen situations where an attorney just drafted a will, never asked questions, and cost his client thousands of dollars, and even lawsuits. When you are ready to review your legal health, just give us a call.

Here is the url: from my earlier article: [1]<http://wp.me/p4utce-4H> jbh

1. <http://wp.me/p4utce-4H>

The Family Vacation - Paying The Price For Being a Small Town Lawyer (2014-05-23 19:17)



Ok: you spend 45 years together, screw together your nerve at your anniversary, suggest a celebratory trip to Italy as your gift to one another, spend hours/days/months of planning (Nancy's hours as Burt works.), and off you go. You spend weeks moving things around, trying not to "tick off" clients, explain carefully to judges and their clerks, and now you are in front of your hotel in Florence. Santa Maria Novella. (Actually our first city was

Rome, but I don't have a cute arrival photo of that.)

Then: neither "big check" that was expected arrives. It's good we tapped the line of credit and paid credit cards down to zero; we will live on plastic.

The Euro, which is supposed to be worth 1.37 dollars, buys 75 cents worth! That means a \$100 dinner can cost \$300 "real" dollars.

And, AT &T, having been carefully told in a one hour telephone session that I would be in Europe for ten days with special data use plans, sends us a text, but ignores our replies:

"Hi - I am the AT &T Robot. I don't know a thing about what's in our computer about you. But, I know you are a Small Town Lawyer, who used to have a 60 Gig data plan, but you REDUCED it last week to 2 Gig, and have used yours up. I have cut you off! I don't care if you are using your iPhone to guide you over town in Florence Italy, to find restaurants and interesting sites, and I certainly do not care that you were planning on running your office through our phone and data lines. AT &T cannot believe a small town lawyer could make such a trip. I have just cut you off. If you do not like this, just call this 27 digit number, but remember, you are in URUP now. I don't know where you will get a phone, and if you do, plan to spend three hours this time. You should never have been stupid enough to rely on us. Have a nice day: Your AT &T Robot."!

[2]



Piazza Santa Maria Novella

Word comes that the adjustor in the case you associated with big time Charleston counsel, arrived without settlement authority, and the case you and your clients were depending on settling has totally fallen through. No "big pay day" while you are away.

Then the service rep at your Kubota dealer calls to advise that **repairs and service to your BX 2300 will be \$2300!** You need a new water pump! You only learn later, when you stop to pay your bill, that they just got around to ordering the parts, and you will be lucky to see your machine in a week. That's two months in the spring without a mower! Your bride of 45 years, who agrees the trip to Italy was sublime, advises they you will never see anniv. # 46!

[3]



In the distance the dome of The Duomo, third largest church in the world, Florence Italy, from our rooftop café.

In spite of 24 hours on the road and in the air, you arrive at the office the first day after arriving home. Even though your staff has spared you from all emergencies, you discover at the end of the morning you have managed a few e-mails, a phone call or two, and some posts of photos to FB. My friends like them, but I get nothing done. I am puttering as my brain is trying to reset.

The pets, even though well cared for remain "clingy". That's a good thing. They reassure me that things will return to normal.

FB advises that you are losing your marketing edge because no one has been posting anything to your sites. So, I post this in a desperate effort to avoid doing anything productive.

You realize the 17 travel hours have not been erased by one nights sleep. Time for a nap.

So.....:

That is what it is like to be a sole practitioner in a small town. When you leave, you have the cost of your vacation and the cost of not making money. ATT &T made sure that your staff would be on their own save for the 2-3 times a day you can find Wi-Fi. The productive hour or two a day you can manage on vacation never materialize. You ponder that being disconnected from the daily problems was not the worst possible development. Staff took your terse instructions via e-mail and did what you trained them to do: solve problems!

Thank God for a wonderful wife, for now, and a competent professional staff.

If you become a small town lawyer you won't have a paid 30 days a year vacation, but you are your own boss, unless they pull your professional office. You can't be fired, but if you get sick, that's your problem.

It is a scary, interesting, rewarding, life. Not for everyone.

jbh

1. http://hunterlawfirm.net/wp-content/uploads/2014/05/IMG_4790.jpg
2. http://hunterlawfirm.net/wp-content/uploads/2014/05/IMG_4697.jpg
3. http://hunterlawfirm.net/wp-content/uploads/2014/05/IMG_4669.jpg

The Changes: the Ones That Are Coming and the Ones That Are Here. (2014-05-09 20:43)

[1]



This summer I will select the best, most informative, and maybe most controversial of my nearly 4 years of blogging. Here is an early one where I set out my plans for positioning myself for better times. We have accomplished a lot, including my new website with the same name, [2]www.hunterlawfirm.net .

With my much more innovated, but lower cost, site, my writing comes to the forefront, and our yellow page budget increases. Truly WV remains with a foot in the future and the past.

Here are my thoughts "back then": [3]<http://wp.me/p4utce-6s>

1. <http://hunterlawfirm.net/wp-content/uploads/2014/03/TheNextNewThing.jpg>
2. <http://www.hunterlawfirm.net/>
3. <http://wp.me/p4utce-6s>

Using Voice to Text Dictation (2014-05-06 13:14)

This is a very quick post, but great news I think.

A client called this morning. She needed me to write a quick letter to her former husband's lawyer. The

"ex" had failed to comply with some provisions of the divorce order.

After I hung up, I went to e-mail on my iPad (and I can do the same on my iPhone). I clicked the microphone and talked. It captured my text with 98 % accuracy. The problem I used to have of using up memory and losing dictation is solve with a small "ding" that alerts me. I get to view the block just dictated, and when I tap the microphone, I can seamlessly resume.

It understands, "new paragraph" and it terrific for memos and correspondence. Dragon remains cumbersome and slow to boot, so I am relying on this little app more and more and Dragon Naturally Speaking less. Something has to change there, but for now:

Try it - I think you will like it. My guess is that Android products have a similar feature. Perhaps someone can comment?

jbh

"Teacher; why do we have to learn this stuff?" (2014-05-05 23:32)

[1]



My Classmates, 1964 - Linsly (Military) Institute, Wheeling WV

Not sure how I can make the obvious sound somewhat thoughtful, but here goes.

At my 50th high school celebration this week-end, **I remembered many questions of my high school classmates, "Why do we need to know this?"** Usually that question was associated with math, but no subject went unchallenged.

If you are going to teach math, you should study it. If you are going to be a lawyer, you had better know English. But what else? I wince when I hear Neal DeGrasse Tyson say "hopefully", and archeologist and scientists fracturing their syntax. Someone at their high school let them down.

A trial lawyer who is erudite has power. He knows psychology, philosophy, science, and literature. He knows how civilization evolved, how our legal system developed, how mankind's conception of the self, and others, changed, how species interact with their environment or become extinct. His vocabulary and knowledge of literature, and perhaps music, is vast. She is curious and always looking for new ways to accomplish tasks

And, scientists who knows the history of what they are studying, and of the world, have an edge over those who do not. They have read the biographies of the great scientists, and learned how scientific development influenced and was influenced by, war, political change, art, and religion.

The most cutting edge, brilliant, minds are the point at the tip of the needle of humankind's development. They are the Newtons and the Einsteins. Perhaps, for these brilliant thinkers, we just throw away the mold and let them pursue whatever they want; but what of an average "smart person". There are millions of us, and we tend to run the world.

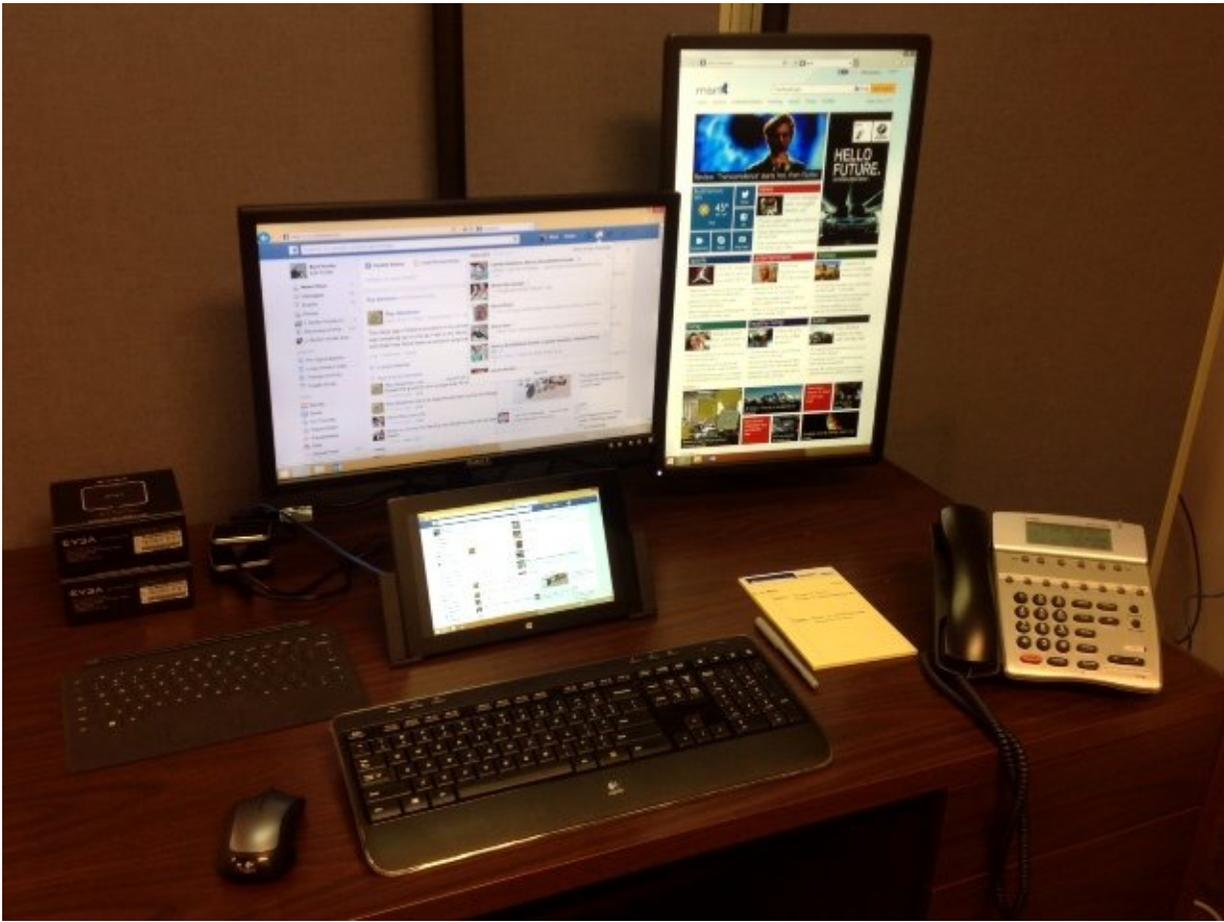
Such a person is more of a person, and certainly more productive and more influential, if they are consumed by curiosity and driven by lots of energy. My guess is they tend to be much more accomplished than the lazy or unimaginative smart guy. Think of Donald Rumsfeld who did not care one whit about the destruction of the treasures of the cradle of civilization in Iraq. Pretty smart guy, but he did plenty of damage. Big brain, small heart.

Finally, we get one shot. One pass through in life.

That reality is so shocking that some religions invented reincarnation and some eternal life. I say why not try to get it right? And, how better to do that than to learn absolutely as much as we can about pretty much everything?

If you are smart enough to visualize tiny, tiny things, or vast time and distance, or Zeno's Paradox of how a moving arrow can occupy a point in time AND be moving, why not think about those things instead of how a sports team you have followed for 40 years is going to do this year. Simple answer, there is much a thinking person can learn from sports; even situation comedies. There should be room in every life for plain old recreation.

There are interesting things about puzzles and games, especially baseball or chess. They occupy the mind, and feed our competitive appetites, but, for me, they don't teach me new things. I own the biography of Virginia Wolfe, and one of these days, by damn, I am going to read it. Biographies of famous people give me a clue about how to negotiate my own path in life.



Yes; I have used this photo before. But today, we took a big step. Several years ago, I arrived early to find all three office doors super-glued shut.

Nothing that bad today, but when I arrived at 7:00 a.m., the power was off and not scheduled to return until 10:00 a.m. As the staff showed up before 8:00 a.m., we took the \$20 bill someone left on our waiting room floor, and I told them to have fun at a staff breakfast meeting at the Daily Grind. I handed them the Surface Pro 2 and asked them to keep in touch.

One glitch was that e-mails to me came from my e-mail account, but at least we communicated, and the staff was able to respond to clients and be productive. Ike from Micrologic came in to renew our individual profiles, so we will be ready next time.

When I attended a seminar by the Duffield, Lovejoy, and Stemple Law Firm, [2]www.duffieldandlovejoy.com, a few years ago, and learned how they had kept their firm running in spite of a major fire, it seemed like science fiction. Now anyone who isn't "in the cloud" and ready to go is running a huge risk. So what if you have insurance but your files are lost, and your ability to practice your craft is interrupted for weeks or months! As Paul Newman, (Butch Cassidy), said to Robert Redford (Sundance Kid); "Hell, the fall will probably kill you!". Don't have that fall. Get yourself into the cloud, and mobile computing, and practice redundancy.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/04/SurfacePro2Final.jpg>

2. <http://www.duffieldandlovejoy.com/>

9.9 April

Has Our Society Lost Something Essential in the Rearing of Its Youth? (2014-04-26 19:59)

[1]



Editor's Note: I was getting ready to publish this, when it struck me: I do not want to imply things were perfect "back then"; even as they linger today, racial prejudice, gender inequality, and homophobia were the norm. I am talking about the underpinnings I had in growing into a whole human being. Just one person's view.
jhb

The fellow who caused all the hubbub out west, refusing to pay his cattle grazing fees for mooching on public lands (even to the point where Glen Beck pointed out he was part of our "entitlement society"), made one point this week that got me thinking.

He commented on certain groups who had lost their independence by depending on government benefits. Even Glen could not miss the irony of a fellow stealing the use of land from his fellow Americans, and then criticizing fellow Americans who had qualified for benefits for accepting them.

His reference to how much better they might be in returning to slavery raised a ruckus and masked a bigger problem.

Regardless of race or gender, there do appear to be large segments of our youth who are growing up without essential building blocks, which started my thinking on where I got my building blocks. It's pretty simple:

1. Family. My family was far from perfect, but we learn right from wrong, to follow the rules, and to treat others with respect. (Not that we always did that with each other.) My parents managed to stay together until I was 47, and even to get back together at the end so to speak.

2. Church. I have a 65 year old photo of myself (now broken into many pieces) in a group shot of the Edgewood Methodist (no United back then) Church membership in Wheeling, WV. My Grandmother Hazel (Kidd) O'Grady was the "cleaning lady" there, and I do not think she was paid anything. I remember the bucket with the foot pedal and the mop.

3. I don't remember such a focus on Jesus as a cult figure. We always prayed to God, "in Jesus name". I asked my Mom why God couldn't hear me directly. I think she said "Because." I had too many questions for her to ponder over every one. She is also the one who told me if I had three glazed donuts from the sale in the Church basement, my stomach would explode.

4. But, we had Sunday School, and later Methodist Youth Fellowship, and Choir, and a prayer group before school once a week (in h.s.). I had dedicated Sunday School Teachers like Bill Dean and John Kepner, and choir director Jack Randolph.

5. Youth groups such as the Cub Scouts and 4-H. We moved back to the country by the time I was 10, so by far, for me it was 4-H, a rural organization supported by the WV Extension service, our County Agent, and all the rest. Our foundation was Head, Heart, Hands, and Health.

6. The 4-H Pledge:

I pledge my head to clearer thinking,

my heart to greater loyalty,

my hands to larger service, and

my health to better living,

for my club, my community, my country and my world.

7. I am almost certain "and my world" was added later.

8. Here was what I learned:

- a. **To come to a meeting each month**, with an agenda and responsibilities.
- b. **To be on a committee.**
- c. **To have to dial a phone, and even talk with adults.** I found this excruciating and sometimes took an hour to get up the nerve, and even wrote out what I needed to say.
- d. **To do something called "demonstrations"** at the meetings, and county, and regional gatherings.
- e. **This required public speaking, visuals, and practice.**
- f. **Projects:** mine included such things as planting 500 pine trees. They are still there behind the Beneke house in Oglebay View Acres. Photography: this became a lifetime love, and there have been thousands and thousands of photos since those early polaroids; Woodworking: Gardening: and the rest.
- g. **We were graded, with colored ribbons for all to see.** If you finished, you got a ribbon, even the time my Dad's friend, Ed McCallister, who built our house in partnership with my Dad, misread the plans and got me a white ribbon for my wall shelf. Oh.....the humiliation.
- h. **We had 4-H camps.** How shocking that we were divided, literally, into "tribes". The Cherokee, Seneca (should have been Shawnee), Mingo, and Delaware. Orange, Green, Red, and Black. It was rather tribal. We competed in most everything. We didn't learn much about our American Indian predecessors, but some, and I never felt we were demeaning or disparaging. I was proud to be a Delaware, and proud to be there chief, after Dick Billick, and Wayne Armstrong, and right before David Reuther, I think.



[2]

- i. **I made a birdhouse, learn to shoot bow and arrow, played sports, and participate in group and individual performances.** We even did something amazing, Charting. Gnothe Seaton (know thyself in Greek). We evaluated our personality and talents, and put together a plan for life. I kidded myself in some things, but it made me think about my life.
- j. **We got to go to camp with girls**, the prettiest girls God every made, and to walk them to their cabins, and once in a great while, to get a kiss good night.



[3]



[4]

[5]



[6]



k. Once I was selected, with two girls who did much better than I, **to do an interview on the local radio station** about our activities at camp. I survived, barely.

l. We swam each day, no matter how rainy, or cold, and it could be cold.

m. Later, we went to Older Youth (not Boys' State for me; no girls!) **Camp at Jackson's Mill in Jane Lew** (later contributing to my decision to attend WV Wesleyan College in Buckhannon) and the 4-H State Dairy Show. Believe it or not, we met the State Dairy Princess, and her younger sister, Connie and Candy Love...sigh. And Sheila, and Retta Rose, and Adreana, and Judy, and Lee Ann, and Ruthie, and.....

n. So, of course, our summer work was a farm, THE Harlan Carter Farm, Everbreeze, across from our house. We did real work, operated real machinery, and took very real risks. I guess we could have fallen from the silo (we were 40' feet up), got tangled in the silage chopper, or run over by truck or tractor. We didn't, but we did gain a lot of confidence. Jeanie Carter, Ted's wife, was the recent Mrs. WV, and their farm is still in the family, since the original land patent from Governor Patrick Henry.

9. School, Public and Private (Linsly Military Institute):

Ohio County, perhaps partially because it competed with Linsly, had terrific public schools.

Linsly, where I attended since 8th grade, at considerable sacrifice by my parents and 3 sisters, always dominated in state aptitude tests. My senior year, six out of 43 of us were National Merit Scholars. We had nine out of ten of the top math scores in the state. All other WV High Schools share one. We had 3 of five top spots in the greater Pittsburgh Latin Contest.



[7]

We had the Linsly Minstral, later changed to Extravaganza, after a well-deserved visit from the NAACP. "How Dare They" we thought at the time. We had the Glee Club, the school newspaper The Cadet, sports, and clubs. We got military points and we each knew our place, down to the last point.

When we failed, we were miserable. I showed up 1/2 late to dress rehearsal for the Minstral and could not face Col. Haigwood. My Mother called his wife and begged for my life. Perhaps it was not a coincidence that he started my solo 30 seconds before I complete my costume change so I walked out in front of hundreds of people to learn my intro was over? I still turn red thinking of it.

10. By college, I was ruined. Carefully disciplined, governed, watched, and taught, I went somewhat wild, and did not do justice to myself, or my parents' investment. It was a series of adventures and close calls that got me through law school. By that third year, I managed top grade in just one course, Jurisprudence (philosophy of the law). I detested law school, and the dry atmosphere, and the facts that most students were from WVU and knew each other "before" (lots of old tests and help for the WVU Frat boys) but I graduated, settled down, learned to work, and grew.

11. I learned to care for other people, to know when I screwed up, to learn the English Language, and to say sorry, a lot.

12. Along the way, I also got to go to Pa.'s State 4-H Camp, N.Y.C. and the United Nations, and 30 days by Greyhound bus, with the YMCA, around the United States.

I can't believe my good fortune at getting to do these things. Had I fallen in with the wrong crowd, been a member of a gang, begun drinking or using drugs early, had my family break up when I was young, or any of many other setbacks, I am not sure I would have made it. Being a risk taker, and an immature one at that, means a period of molding and discipline is pretty important. The prayer is the boy returns to the values he was taught. I am sure the Mormon elders who established the mission obligations of young Mormons had this in mind.

All I can do is pray that our society has not stopped providing such things for our children, that our culture has not become so shallow that it trumps everything the family tries to do, that families can evolve and still provide structure for the children, that parents don't forget how to parent, and that the marvels of technology can provide more good than bad.

Nancy says it has stopped raining, and Duffy says it's time for our walk.

jbh

2. <http://hunterlawfirm.net/wp-content/uploads/2014/04/CampRussell.jpg>
3. <http://hunterlawfirm.net/wp-content/uploads/2014/04/ConnieLoveEyes.jpg>
4. <http://hunterlawfirm.net/wp-content/uploads/2014/04/JudyFlapper.jpg>
5. <http://hunterlawfirm.net/wp-content/uploads/2014/04/CampRussellGroup2.jpg>
6. <http://hunterlawfirm.net/wp-content/uploads/2014/04/HelenCampbellWins.jpg>
7. <http://hunterlawfirm.net/wp-content/uploads/2014/04/ClassOf64.jpg>

The Challenge to the Church in The Modern World (Or, What's It All About Anyway?) (2014-04-26 19:14)



[1]

I have been struggling with the fact that my church, The United Methodist, is dying. Quite literally, its members are dying and not being replaced with equal numbers.

The reasons are complex, but the most obvious is its assertion of the supernatural as fact. The "magic word" of course is "Faith". That is supposed to excuse all the silliness.

Jesus, who the church assumes really existed in flesh and blood, and maybe he did, is somehow equal to, or is, God.

As I have written before in Perspectives of a Small Town Lawyer, [2]"Burt's Views on Religion and Religiosity", , each religion seems unable to resist giving its founder supernatural trappings and attempting to control the thinking of its penitents.

I cannot tolerate this, but I remain in the church, where I have been, with some interruption, for 68 years.

Almost as obvious to me is that the church requires this "faith" of its members. If you don't have it, they don't really want you. I make my way in the church by keeping these views to myself, and attending choir and

church, and participating. I avoid Sunday school and discussion groups.

While I agree with Prof. Richard Dawkins in his reliance on the truths that science provides, I am resisting his assertions that skeptics need to unite and outcompete religion. Militant atheists sound to me no different than other closed minded groups.

For now, I shall not become a "group of one", but will try to suggest a way my religion can become tolerable to me and survive in the modern world. I confess, I do not think it can.

For purposes of this analysis, I will pretend the world had four kinds of people, and myself (a fifth group composed of one person).

Group 1: People who are limited by tradition, learning, intelligence, fear, or delusion and who believe in supernatural religious concepts such as heaven, hell, and myth as truth.

Group 2: People who know in their hearts that the supernatural does not exist (except that certain clothes, words, or rituals effect the outcome of sports contests), but because of tradition, fear, or a desire not to offend act as if they believe and feel ambivalence.

Group 3: Intelligent, well educated people who acknowledge that the supernatural doesn't exist but who want their church to survive and want to believe, at the very least, that something intelligent got things going and set up the order of things.

Group 4: Hard-headed assertive, and sometimes militant, believers in science who are willing to call themselves atheists and are strongly anti-religion.

Then there is I, who do not believe in the supernatural, or a sentient creator (prime mover), but who expects never to accept a label like atheist or even agnostic. My group of one does not wish for the end of all religion (yet, but I have certainly been considering it) because no one has figured out what will replace it. I at least want to have an idea before I chuck the whole thing. Also, for now, I wish to remain a member of the church I have been with for a lifetime.

Flash back 52 years or so to a Methodist Youth Fellowship (M.Y.F.) regional gathering at the Moundsville, WV, Methodist Church in Marshall County. Our speaker was a good looking college basketball player, all conference point guard from a Va. small college. He had been "saved" and wanted the same fate for us. He told of his conversion and his desire to serve the Lord via Jesus. I felt - nothing. It made me uncomfortable.

At the end of his sermon, he announced the organist was going to play hymns in order to give us time to feel the spirit, come to the alter-rail, kneel, and be saved. Some of the kids were crying, others were clearly moved, and most appeared embarrassed to stay in their pews. And then there were the few of us who refused to budge.

Some hopped up happily and came up to kneel. I figured they were pretty much saved already. Others slowly followed, and I was surprised that some simply caved to the pressure and reluctantly knelt. That's when I knew I would never be saved. But flash back, and forward, again:

1. When I was perhaps five, maybe six, I got my cousin Karen to confirm what I had figured out by counting the chimneys in my grandparents' neighborhood and multiplying (although I knew not what that was) them by the dozens of other neighborhoods that existed in the world, that there was no Santa Claus. Reluctantly, cousin Karen filled in for me the mystery of the toys under the tree, and got in trouble.

2. But, as an adult, when a close family member was facing permanent disability or death, I promised something unknown and unseen that if that person were restored to health, I would sing in our choir to the day my breath ran out. As I sit here, I love singing in the choir, but I stay there, and the church, hypocrite or not, because I dare not go back on that promise. You see, that person was not just restored to health but was set on a path to an exemplary and happy and productive life. Who can argue with that.

Where am I headed with this? To the question how does one reconcile a belief that religion is based on fear and ignorance, control and prejudice, and that its time has come, with a belief that mankind needs every source of ethics and morality it can use?

For myself, and other skeptics, how does a person who does not believe the teachings of the supernatural presented at every sermon and Sunday school justify spending a few hours each week at a church service or choir practice?

I have given my word on two profound things in my life:

1. If Nancy would fall in love and marry me, I would try to be a good husband and father; and,
2. If a close relative would recover from a life threatening illness, I would stay in the choir, and therefore the church, for life.

Since writing the paragraphs above, I have watched the movie "Noah", one of the worst movies I have ever seen, and received a review of "God is Not Dead" from a person I respect who says it catered to every prejudice and fear of the religious right. He says the only thing it lacked was Ted Nugent cutting off the heads of unbelievers.

Noah was one of the silliest and worst movies I ever saw.

This paragraph is the transition paragraphs for two articles I have written. Above I discuss how I have got to this point in my thinking, and below separates the teachings in the bible (Old and New Testaments) in unimportant and important.

My conclusion is there is nothing in the bible regarding the supernatural that needs to be there in a modern world. If you have the patience, read on and see if you believe me.



[3]

Important vs. Unimportant

U = Unimportant

I = Important



[4]

U - Everything was created by an infinitely wise and powerful creator or prime mover.

I - Something existed that turned into our universe. There is no evidence that this "something" was a creator or was created by a creator. Our universe just might be one of an infinite number of universes, and there is certainly nothing "special" about our solar system or us.

U - That the world was created in seven days, and then God rested.

I - That the best evidence supports an inconceivably vast explosion from a tiny dense "singularity", the size of a walnut, 13 billion years ago. And that 300,000 years later the material dispersed began to coalesce into galaxies of stars, many of which gained orbiting planets.

U - That all species of creatures were created by God at the same time, were immutable, exist now as they always have, and have only existed for 5000 years or so.

I - That although the exact mechanism remains a mystery, the phenomenon we call "life" began on earth with the right combination of moisture, material, and temperature around 3.6 billion years ago. Since there seems to be nothing special about earth, life probably exists elsewhere in the universe.

U - That a vengeful, and rather infantile, God (all powerful, but for some reason allowing things to spin out of control), became angry at mankind for straying from his wishes, especially the descendants of Cain, decided to commit genocide, regardless of individual justice, and select just a few favorites as well of 2 of each species of animal and plant, so the world could have a "fresh start" and so things could be perfect thereafter.

I. This story ignores so many scientific fundamentals that to believe it would require a person to believe multiple, exclusive, opposing views at once. A few such conflicts are the millions of species that would have to be loaded on the relatively small ark, that Noah and his family were helped by fallen supernatural beings called angels, that any species reduced only to members would almost certainly go extinct, and that Adam's and Eve's descendants would have to engage in endless incest.

U - That species that God "created" cannot change.

I - As occasional mutations in cells occurred, some of those mutations resulted in organizations of cells better able to survive and reproduce. This "natural selection" inexorably caused life to "evolve" with what in retrospect appears to "common sense" to have been created by an intelligent being.

U - That God created Adam in his own image from dust and breathed life into him, and then put Adam under an ethereal anesthetic and created Eve from Adam's Rib.

I - That creatures which evolved in the sea left the sea, and that a branch of that life form stopped laying eggs and began feeding its young with a product of the mothers body, milk, allowing slower growth time and a species with a larger brain that eventually developed opposable finger and thumb and a form of self-awareness that exceeds all other species.

U - That the woman, Eve, hooked up with evil incarnate, Satan in the form of a serpent, to eat a special throbbing (according to Russell Crowe) red fruit, tempting Adam with it and getting them kicked out of the Garden of Eden. (Leaving out any explanation of how, then or after the Great Flood of Noah, how a pair of any species could multiply into millions and billions.)

I - That when mankind did not know something, such as how it came to be, how the earth was formed, or why natural events such as earthquakes, plagues, floods, or powerful storms occur, members of the family or tribe simply made up or hallucinated the answer. Groups of "believers" organized into religions with leaders who had special insights into the truth justifying the imposition of these beliefs, based on "faith", upon others.

I - There existed on the earth a particularly deep and wide landmass (Eurasia) that evolved a greater complexity and number of species than other areas, such as North and South America or Australia. Civilization was born there because of Mankind's ability to domesticate animals and plants, and to spread because of its greater sophistication and the germs that evolved in its many animal species.

U - God gave certain prophets "the inside story" who communicated "the truth" to others. One prophecy was the birth of a savior who would "save" mankind.

U - According to Christian religion, God sent an angel to an unwed woman to tell her she would become pregnant without sex, and got a fellow named Joseph to accept this as true and marry the woman and raise help raise her child.

I and U - That as culture matured from being nomadic, tribal, and territorial, and the concept of empathy and mercy emerged. Apparently, a person or small group of persons put together a list of "do's and don'ts", built upon The Ten Commandments and "The Golden Rule" to guide people in their behavior and ostensibly to set them up to live in a spiritual world of perfection for eternity. Unfortunately, as Adam, Noah, Mohamed, and Jesus would be sad to know, there has been a lot of backsliding going on.

U - Certain groups figured out "the truth", and other groups were heretics or non-believers who the true believers were entitled to persecute, ostracize, mutilate, and kill.

I - Every religious group, especially a rather arrogant one that calls itself "Atheism", is certain that its "can't-helps" are true and that even small deviations from the groups precepts are going to lead others into serious problems, including but not limited to, burning eternally in the fire and brimstone of hell. But no single group has all the answers.

U - Questions such as whether Jesus was man, God or man and God at the same time, or whether there is something called "the holy spirit" are profoundly important.

I - Questions such as the ones above are ridiculous and divisive.

U - The most intense, aggressive, and devout group, say militant Islam, should and will prevail, until all the people of the world will be subordinate to the teachings of Mohammed and his laws.

U - Even the Moslems can't agree among themselves, and the Sunni's and the Shiites enjoy killing one another as much as they do Christians. And for 1100 years in Byzantium, Christians killed millions over the nature of Jesus or whether they should venerate (worship) objects.

I - The most rational of human beings accept the scientific method as the best method ever devised to reach objective truth. That rational and secular approach seems the least likely to end in the destruction of mankind by ward or natural event. Even the most tolerant of religions looks down on anyone who does not accept that religions precepts on faith. And virtually every religion demands you accept its guy as having supernatural powers or insights.

U - The best way for religion (say the Christian Faith) to survive is to hunker down, return to its fundamentalist roots, and rage against social change.

I - The only sane religion must be one tolerant of other beliefs, rational, open to most anyone, and focused on core ideas that encourage curiosity, individual thought, the methods of science, and our simple, physical, survival.

I - Focusing on United Methodism, a traditional, mainstream, non-radical arm of Christianity, I believe that it should be just as happy that a rational non-believer wants to be a member, as a blind follower; more actually, since the rational non-believer is more likely to adapt to the challenges of the modern world and more able to contribute to the group's welfare.

I - Refusing to adapt and change, to broaden its tolerance, and to give up all beliefs in the supernatural will cause a mainstream religion to die. Religion based on delusions of the supernatural should be opposed by objective scientific evidence, and the best ethical and moral (in the right sense) standards.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/04/Moon1.2.jpg>

2. <http://tinyurl.com/kj57uhx>

3. <http://hunterlawfirm.net/wp-content/uploads/2014/04/Rainbow3.jpg>

4. <http://hunterlawfirm.net/wp-content/uploads/2014/04/Galaxies.jpg>

Final Set-up for Microsoft Surface Pro For Office Use (2014-04-18 18:44)



Here is the final product of our experiment to set up a Microsoft Surface Pro 2 as a desktop substitute, with large horizontal and vertical monitors, wireless keyboard, and mouse, and docking station.

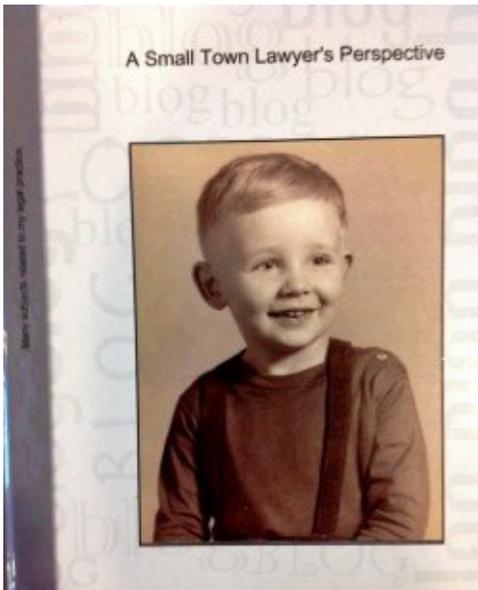
The difference, of course, from your iPad and Samsung Galaxy, is that you have Windows 8, here in emulation of Windows Seven. You also have Microsoft Office, the ability to use this as a laptop with the flat keyboard/cover, and as a tablet with touchscreen.

In short, this set-up promises versatility. Stayed tuned see if we can fulfill that promise. jbh.

Authors Note: Since this article was posted, the SP2 has become my paralegal's primary machine, with the set-up you see above, and I am editing and tagging these blogs during a "working vacation" (2-24-2015) on a 2 lb. Microsoft Surface Pro 3 with 12" screen, 512 Gig hard drive, Windows 8.2, and very fast processor. So, far, my Dell Latitude has stayed in its case. It will become the main machine (Windows 7) for another paralegal. jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2014/04/SurfacePro2Final.jpg>

How Perspectives Change (2014-04-15 21:38)



[1]

This simple blogging format tempts me to create shorter posts, knowing I won't have to kill 40 minutes converting the url and posting to other sites. I like this photo, my second grade photo from Edgington Lane Grade School in Wheeling. I look, and was, innocent. Today I asked my client if she recognized me last week when I beeped at her from behind the school bus as she accompanied her children, in front of her house. She said, "No; at first I just thought you were a creepy old man." Unless it hits her at home tonight, she will probably never realize that from my perspective it is a shock to be called a "creepy old man".



[2]

It doesn't seem so, but the little boy in this photo is 60 years older, and the guy giving him a hug is 4.

Our perspectives change gradually, but it sure is a constant surprise that I am now "Grandpa age", and even a bit creepy to the younger generation. I feel as young as ever most of the time, and rarin' to go at work and home, but perhaps not as "innocent" any more. jbh.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/04/BurtSecondGradeBook.jpg>

2. http://hunterlawfirm.net/wp-content/uploads/2014/03/Mq2ughJ_QQcicdljk5f0yX01FMoQQejRxGAUn6f7tAk.jpeg

Every Journey Begins With the First Step (2014-04-14 21:10)

- 1. All of my 274 blog articles began with the Blogger dashboard. Having just read "In the Plex - How Google Thinks, Works, and Influences our Lives" by Stephen Levy, I am pleased and relieved to have left a platform that Google's brilliant minds have left to fend for itself. Word-Press promises much greater integration and more robust options in a community of users.**
- 2. Now I must learn a new platform, so I am dashing off a few lines, saving it as a draft, and seeing what will happen if I attempt to publish it.**
- 3. Comments on my new website, same name, [1]www.hunterlawfirm.net, are uniformly positive. I am pleased to integrate my blogs, "Perspectives of a Small Town Lawyer", and "WV Lawyer, Tips and Techniques", and my social media accounts into one place, with my professional website and its content.**
- 4. I am thinking about and working on several new blog posts, so please stay tuned. jbh**

1. <http://www.hunterlawfirm.net/>

My New Integrated Professional Website: www.hunterlawfirm.net (2014-04-09 00:44)

[1]

Committed. Competent. Compassionate
The Decision is Simple.

[Ask Your Questions](#)   [View My Blog](#)

[My Practice Areas](#) [My Blogs](#)

Getting our new website is very exciting. Having everything on a WordPress platform allows me to incorporate of my both blogs, "Perspectives of a Small Town Lawyer" [2]www.burtonhunteresq.blogspot.com and "WV Lawyer - Tips and Techniques" [3]www.burtonhunteresq2.blogspot.com.

West Virginia Lawyer - Tips and Techniques

Some Ideas for My Fellow Lawyers



A Small Town Lawyer's Perspective

Lessons Learned in a 42 Year Career



It also lets me answer potential clients' questions and evaluate a case promptly, and to give the potential client fillable forms, for questions and fact gathering.

Ask Your Questions

For a prompt response and phone call, and to schedule an appointment, please submit your name, phone, and question below, or call us at 304-460-1124 or toll free at 866-603-2762.

Full Name

First Name Last Name

Phone Number
 -
Area Code Phone Number

E-mail

Your Question

It allows me to link with my social media pages, Facebook, Twitter, Linked In, and Google+. Now when I post a blog article, my social media contacts are informed.



[7]

Of course, my blogs have a powerful search feature, but now seekers of information also have tables of contents to the @ 200 blog articles I have written over the last three years. While not a substitute for having a good lawyer, these articles have substance and strong opinions.

[8]

Table of Contents

We have provided the table of contents to our blog articles to help you find the terms you may be searching for in the [blog](#). Please download the files below to view the blog table of contents.

- [A Small Town Lawyer's Perspective Table of Contents](#)
- [West Virginia Lawyer: Tips & Techniques Table of Contents](#)

Search the Site

To search, type and hit enter

Search

Mr. Hunter has published over 50 informative videos, and posted many personal YouTube short videos that reveal a multi-faceted, high energy, husband, father, grandpa, and lawyer.

[9]

Videos



Last Word About Blog.wmv



Why does Mr. Hunter criticize his



What Makes a Good Adversary.wmv



Why and How Can Your Lawyer be Tech



Advantages For the Literate Lawyer.wmv



Self Representation 2.wmv



[10]

Hit the "Resources" tab and find links to various court, government sites, professional sites, and search engines.

The photographs on the site were almost all taken by Mr. Hunter. He uses his experience as a photographer in many phases of his practice and his marketing.

[11]



1. <http://4.bp.blogspot.com/-WiAxn9840ik/U0SDK9pF08I/AAAAAAAAAsk/dTm1xSVFh-s/s1600/FrontBannerLarge.jpg>
2. <http://www.burtonhunteresq.blogspot.com/>
3. <http://www.burtonhunteresq2.blogspot.com/>
4. <http://4.bp.blogspot.com/-gJbBbVg3JFo/U0SF7AYXB9I/AAAAAAAAAtY/RSynH4yMS6c/s1600/WVLwyrTips.jpg>
5. http://2.bp.blogspot.com/-v8YXw-_8eZ0/U0SFSiah_WI/AAAAAAAAAtM/WzalmHTSF2s/s1600/SmallTownBlogCover.jpg
6. <http://4.bp.blogspot.com/-ySEASaw3e3g/U0SGaRW0GaI/AAAAAAAAAtg/rcwE2uiMK9A/s1600/AskYourQuestions.jpg>
7. http://1.bp.blogspot.com/-LVEsgj9i0Zs/U0SDi7k6LqI/AAAAAAAAAss/UK2-p3f_Ev8/s1600/JBHSocialMedia.jpg
8. <http://3.bp.blogspot.com/-uDatT0uIhF8/U0SD4JQqERI/AAAAAAAAAs0/yCnNnQF3p4M/s1600/BlogsTableContent.jpg>
9. <http://1.bp.blogspot.com/-1nJjrvB3WHY/U0SEPKYrzQI/AAAAAAAAAs8/2N3sdXlrF24/s1600/Videos.jpg>
10. <http://4.bp.blogspot.com/-HrrgMtjusk0/U0SEs0SNdqI/AAAAAAAAAtE/cqg97jARRKw/s1600/FunFamVids.jpg>
11. http://1.bp.blogspot.com/-ka-BeG40dh0/U0SHLZDR_aI/AAAAAAAAAts/ivJMby5G4yM/s1600/WidePhoto.jpg

9.10 March

Nerd's Notes: The Journey to Make the Microsoft Surface Pro 2 a Desktop Substitute (2014-03-28 21:26)

[1]



Here are a few things I have learned - a follow up to my former blog article, [\[2\]http://tinyurl.com/kxybog4](http://tinyurl.com/kxybog4), taking advantage of the Microsoft Surface Pro 2's portability and turning it into a functional, Microsoft 8.1, desktop substitute:

1. Fitting Windows Into a Tablet Interface ain't easy, and you need at least a second monitor, two if you want one to be vertical for documents; (I am not giving up my iPad yet!)

2. It is easy to customize Windows 8 to emulate Windows 7 with the "Start Button" you are familiar with. In fact, you can switch back and forth; nice to know you don't have to say "Goodbye Start Button" cold turkey;

3. When I tried to order a VGA or HD connector for a standalone monitor, or monitors, The Microsoft Store is "Out of Stock"! But not to worry.

4. I already owned what I needed, an U.S.B. device, sold by EVGA, that connects via VGA to at least

a pair of monitors, [3] <http://www.evga.com/Products/Product.aspx?pn=100-U3-UV39-KR>

. They are small, @ 4" by 4 by 1", and magnetized so they stack. I have used them to add 22" vertical monitors to each of my paralegal's Windows XP desktops.

5. So, I have ordered a pair for the Surface Pro 2; (Just remember, your monitor must either turn vertically or you need to go to Amazon.com and order a robust vertical monitor mount for @ \$35. I have four of them. Search for "V

ertical

Dual LCD Monitor" and select the one with five stars for \$32 plus shipping.

6. The Logitech wireless keyboard, mouse, and Microsoft docking station work as advertised.

7. My IT guy, Ike, surprised me this morning to advise we were nearly out of hard drive space! How can that happen? Easy. I was synched to 90 gigabytes of DropBox cloud storage! I need only "unsynch" long folders such as videos and photographs. It is a simple matter of checking the folders to unsynch, and they are gone. Hard drive space restored.

8. I won't kid you. This is not cheap, approaching \$2000, but look at the versatility. I now have;

a. a robust tablet;

b. tablet with flat keyboard cover;

c. laptop equivalent;

d. desktop substitute, and;

e. will soon have it with horizontal and a vertical 22" monitors!

9. A compromise we have had to make so far is that we had trouble syncing to Microsoft Exchange Server with our hosted Microsoft Outlook so we connected to our e-mail via [4] www.Outlook.com

. I will play with it to see if we still have full functionality, such as our mailing groups.

10. Hosted Outlook gives me the same calendar, e-mail, tasks, and contacts on my staff's desktops, our laptops, and Nancy's and my iPad and iPhones. Everything fully in-synch and accessible!

11. If this set up works as planned, staff will grab it, with flat keyboard, to meet with clients, calculate child support, and work during bathroom breaks (kidding I think); to take it home with the wireless keyboard and mouse when they want "flex time", and to use it with both large monitors for the same, heavy duty, word processing and document assembly they now do with their desktops. Stay tuned if you care to know whether we are successful.

Note: we just successfully added the Pathagoras "add-in" to Microsoft Word on the Surface Pro 2 for document assembly.

Have a great week-end.

jbh.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/03/TheNextNewThing.jpg>
2. <http://tinyurl.com/kxybog4>
3. <http://www.evga.com/Products/Product.aspx?pn=100-U3-UV39-KR>
4. <http://www.outlook.com/>

The Challenges of Microsoft Office's Access Relational Database. (2014-03-27 20:06)

Years ago, I used Appleworks and Microsoft Works for list-making, spreadsheets, and word processing.

The tutorial disk for Appleworks was interactive, fully contained on a 144 k 5 1/4 inch floppy disk, and easy to understand.

Staff training was to sit a new employee down for 1.5 hours.

The relational database Access is complex, powerful, and impossible for me to learn. Much like Winston Churchill's dread of differential calculus, I am intimidated by Access.

Our billing and timekeeping are set up in an Access database. Lord help us if it acts up. Our Access guru Les has moved on.

I took three evening classes (10 weeks each) trying to learn access.

This template, shown on a tutorial video, gives me some hope that Access might be of some use to me some day.

Alas, too late for me to learn access programming, but here is a interesting video showing the potential of Access:

[1]<http://office.microsoft.com/en-us/video-use-the-issues-web-database-template-VA101794585.aspx>

1. <http://office.microsoft.com/en-us/video-use-the-issues-web-database-template-VA101794585.aspx>

The Lawyers' "Golden Rule" for Sheriffs', and Private, Process Servers (2014-03-21 11:07)

Personal injury, family law, and civil dispute lawyers often have to file lawsuits and serve papers on opposing parties.

Here is a simple rule every lawyer should remember:

Provide to the person serving the paper, the critical information he or she needs:

1. A valid physical address;
2. Directions to the residence;
3. Information about the person's employment;
4. Home, cell, and work phone numbers;
5. Tips as to when that person may be available, work schedule, and personal habits (the local pub, etc.).
6. A WARNING if that person has a history of violence.

In short, do unto that process server as you would have him/her do unto you if you had that job. You will certainly earn the respect of the person serving those papers.

Finally, if you are serving a non-violent spouse or partner, with whom you are going to have to work in mediation or settlement negotiations, perhaps a simple heads up call so the person can call the sheriff and come to the office to pick up the paper him/her/self would be the way to go. Isn't that what you would want if you were getting sued?

This "golden" rule can save even a self represented party lots of grief.

jbh.

The Microsoft Surface Pro 2; some thoughts. New Potential for Doubling Your Reading Speed; And Updated Spreadsheet. (2014-03-14 21:06)

Dear Colleague, Friend, or Family Member;

1. A couple of weeks ago I wrote you about the nifty new tablet that can be a desktop, the Microsoft Surface Pro 2. Believe it or not, I have it all set up so it functions as a desktop, but it snaps off to become a tablet and keyboard cover. **Here is a link to an article by a lawyer who has done the same thing:**

[1] http://ignorethecode.net/blog/2014/03/02/windows_8_surface/

2. Finally, a development in the technology of reading, from N.P.R.'s "Here and Now"; double your reading speed and improve your retention!

Subject: Read A Novel In 90 Minutes? Spritz Explained | Here & Now

[2] <http://hereandnow.wbur.org/2014/03/14/spritz-speed-reading/>

3. Two weeks ago, I attached an Excel Worksheet with 9 pages to aid in the collection and organization of facts for your lawsuit or project. Today we tried to print them for a client, and it was a disaster. Sorry! Just set these to print one page from each sheet. Then you can copy as many as you need for your clients to enter by hand. Your staff can still keyboard it when you want a more formal presentation. My last mailing has my two blog articles on how to organize the "objects", "top ten concerns" and "timeline". Let me know if you need me to resend.

4. If only 3-4 of you find something here that helps you ,in your practice, education, or life, I will be pleased.

Happy St. Patrick's Day.

Burt

(Note to my online readers. If you want my Excel workbook mentioned in # 3 above, write me at [3]hunterjb@hunterlawfirm.net jbh.)

1. http://ignorethecode.net/blog/2014/03/02/windows_8_surface/
2. <http://hereandnow.wbur.org/2014/03/14/spritz-speed-reading/>
3. <mailto:hunterjb@hunterlawfirm.net>

A Modern View of Religion by a Spiritual Person (2014-03-02 19:05)

[1]



Dear Faithful Readers:

I introduce to you my Friend and Guest Blogger David Powell. David, a WVU graduate, is a true West Virginian and a freelance writer and videographer. To me, his claim to fame is his loving family and his standing as the founder of WV Irish Road Bowling. You may meet David at the WV Irish Spring Festival in Ireland WV in March 14-16, 2014. [2]www.wvirishroadbowling.com.

This is David's thoughtful response to a [3] T.E.D.com

presentation by celebrated Scientist, Author, and atheist, Richard Dawkins, which I sent to David a month ago. David shares with me great curiosity about why we are here and where we are going, and a concern that the mainstream church is not adapting well or quickly to the reality and challenges of the modern world. Perhaps it is "evolving" too slowly?

Thank you David for allowing me to share your private musings with my "vast readership". jbh.

Burt;

A few weeks ago you asked me to view the 29 minute TED talk by Richard Dawkins and respond to you. When you asked me that, I had already watched 11 minutes.

At that time, I decided to write a couple of sentences on my concept on the meaning of God. However, once I started, a whole bunch of paragraphs spilled out.

I decided not to send this to you until I had seen the other 18 minutes of Dawkins' presentation.

Now I have seen the entire 29 minute presentation.

Don't forget Burt,
you asked for it

Part 1

Written in January before I watched it all:

1. God – The Hindu religion believes that “God” is a limiting concept, and creation and reality are much greater, bigger, more profound than man’s concept of “God.”

2. I like that and have been drawn to Charles Darwin’s “Mystery of Mysteries” also. **(For some interesting reading, just Google "Darwin's Mystery of Mysteries". ed.)**

3. Some say Darwin is the greatest human being ever because he is the first person to see and describe to us what was happening every day, right before our eyes – how “natural selection,” “survival of the fittest,” was evolving all living things, all the time.

4. Maybe evolution is God, and for humans that makes some sense, scientists have thought that the human species is by far the most numerous large mammals in the history of Planet Earth, at more than six billion.

5. So, survival of the fittest has proved that despite, or maybe because of, disease and war, homo sapiens is victorious over all other species, with their brain power and understanding of science.

6. I have not read Spinoza (The Jewish Philosopher Baruch Spinoza, "The Great Heretic", ed.) since I was in my 20's, but I remember his concept that God permeates all things, is not a part from the world, and that today's everyday reality is itself God.

7. I personally feel closest to God in the West Virginia woods, experiencing plants and animals and the beauty of nature; also, being with friends and family.

8. I have long thought of myself as agnostic, not having ultimate answers.

9. At the same time, I have seen Jesus as mankind's greatest teacher ever, and with all due respect to Buddha, Mohamed, Abraham, Confucius and many more, I accept Jesus as the greatest model and teacher ever presented to man. I learned that as a child and believe it still.

10. As we get older, I think it is possible to be agnostic or uncertain about what God, "The Mystery of Mysteries", is.

11. Maybe God is nothing more than the concept in our hearts and minds, “Do Unto Others As You Would Have Others Do Unto You.”

12. And the concept of God might be placed in our consciousness by evolution – humans can live and multiply because they understand what a “norm” of human behavior is, so they can build families and societies on that one concept.

13. I think you can be agnostic (not sure) but get more interested in religion and Jesus as you get older, not because your beliefs change but because you choose to devote more time to thinking about it. I notice that other interests become more boring and less important.

14. My Mother’s funeral (David’s Mother Marie Powell died this year at age 90, ed.) brought me to Jesus, not as a religious revelation or an epiphany, but her passing just reminded me how interesting Jesus was as a person, and as a great teacher, and how useful, utilitarian, his teachings are; very practical in everyday life.

15. You cannot confront faith with logic and rationality.

16. When Dawkins attacks and ridicules religious faith with logic he is absolutely correct. Faith cannot be defended by logic. “Intelligent Design” is Glenn Beck hokum, “phony malarkey”.

17. However, what is it that impels man, at least since the days of cave paintings, 30,000 B.C. to come up with the concept of something or someone greater than us which forms our world?

18. Supernatural? False? Massive error by billions and billions of human minds over thousands of years of history? Maybe, yes.

19. Yet it seems to me there is massive hubris and ego involved on [4] Dawkins' part to assert that he has this answer in the face of 30,000 years of human history.

20. Dawkins may be correct, but I am not buying it. My perception of reality, or anyone's, is as valid as his, and so is any man's, even if he is more articulate than I am in expressing it.

21. Maybe all this can be summarized in a personal sense that there is something called "Justice" that created us and sustains us.

22. Another name for it is The Golden Rule, and another is Faith.

23. I don't know what it is. I am agnostic as to certainty, whether it is God or God working through science and evolution, or Spinoza's "everyday reality", or, better yet, Darwin's Mystery of Mysteries.

24. I do not presume to know the answers. But, I intend to spend more time reading about Jesus, the premier teacher and example for mankind.

25. For me, natural selection, survival of the fittest, is a neutral baseline, zero, and God, or Darwin's Mystery of Mysteries, is a "plus one" arcing toward Justice, even if Justice is only a concept in our own mind.

26. I would not presume to any certainty and I think it is naïve (and perhaps a tad arrogant? ed.) of Dawkins to profess certainty.

27. I am sure my concepts are quite commonplace, but I am comfortable with them. They cannot be proved or disproved with logic.

28. If I cannot pray to a Father on a Golden Throne in Heaven, at least I can hope for Justice and have faith it is there somewhere. And anyone can pour their heart and soul into that Hope and Faith.

Part 2

Written 02/17/2014

1. Burt – I just watched the entire 29-minute Richard Dawkins TED talk, and was not enlightened or impressed. He was funny and entertaining. Most of the talk was a political and economic discussion about the

cost and tactics setting up an atheist movement, not a discussion of the science vs. religion debate at all, he simply took it for granted that religion is false. He never mentioned that the beauty of scientific discovery could make religious belief more and more awesome and profound as we learn more about science and our world.

2. Dawkins did allude to Charles Darwin's defending the possibility of religion by recounting when Darwin mentioned the "deep mysterious part of physics we don't yet understand"

3. That is what I cited when I first wrote this a couple weeks ago, about Darwin's "Mystery of Mysteries."

4. To me, Dawkins came across as an unconvincing Brit, disparaging religious belief, with a lot of wit and funny jokes, but really focusing on a political talk, not a scientific talk.

5. At least Charles Darwin, far more insightful than Richard Dawkins, could imagine a greater mystery than we can understand.

6. And, I have no disrespect for atheists. I am thankful that we in America have the freedom to think and believe as we wish.

7. One of my favorite quotes is from "**my hero**" **Thomas Jefferson**,

**" I have sworn, upon the altar of God,
eternal hostility
against every form of tyranny over the mind of man."**

1. <http://hunterlawfirm.net/wp-content/uploads/2014/03/David-PowellEdited.jpg>
2. <http://www.wvirishroadbowling.com/>
3. <http://t.e.d.com/>
4. <https://www.blogger.com/null>

9.11 February

Experiments with : File Disposal - The Microsoft Surface Pro 2 as an Office Computer - and An Alternative to Expensive Litigation Software (2014-02-28 22:44)

Dear Colleague

(and; **this is so neat** , I have included my family and friends mailing groups, **BUT DO NOT HESITATE TO DELETE !**);

For the few who thought of me at all, maybe you thought I had stopped my newsletters. Not so! We have been pursuing some very exciting projects:

1.

The burst of shredding, hauling, and scanning energy dissipated with the holidays. But I have several hundred bankers boxes positioned downstairs with plans to scan the “bones” of the old cases and shred another 2000 files. On our way to paper LESS. Lean and mean is our goal.

2.

Those of you who have Windows XP machines probably share my concern that Microsoft is ending support, and security patches, for Windows XP on April 1. (The joke’s on us!). We have five of them.

3.

I intend to keep my antivirus updated, and to keep the machines running for a few months more, BUT I think I have a solution for a small office network as we have or for a “robust” home, or home office, user:

a.

I have purchased a **Microsoft Surface Pro 2 tablet** that runs Windows 8.1. It's the nifty one being advertised heavily on t.v.

b.

It has a magnetically attached keyboard/cover. It's about the size of an iPad.

c.

So, my staff can carry it to the waiting room, the side conference room, or to home in order to work on flex time!

d.

No more being stuck to their desk!

e.

It connects to our network (office and home) just fine.

f.

It connects to the cloud, including Dropbox and others;

g.

It runs Microsoft Office and Outlook, just like your desktops and laptops!

h.

It has APPS much like an iPad or Android tablet, and a camera and video.

i.

I have connected to it a full wireless keyboard and mouse. (Cost \$50.00, Logitech from WalMart)

j.

I have connected it to a docking station with extra USB Ports.

k.

I am adding full dual horizontal and vertical monitors! (Vertical so you can view a whole page of a document.)

l.

Functionally, it should work better for my document producers than their old Dell Desktops.

m.

If mine works, we can buy these, one at a time, for each staff member. We won't have to dispose of and replace four desktop machines at the same time.

n.

We can learn Window 8.1 over several months, keeping staff in their comfort zone, and still using Office Pro and Outlook.

o.

In a couple of months I should know if this is a brilliant move or dead end. Stay tuned.

4.

Over ten years or so, I bought a software suite for \$300-400 called CaseMap. I have written about it a lot.

a.

The core of the Casesoft system is "object lists", "top ten lists", and "timelines".

b.

For ANYONE trying to organize information, this is a sound way to do it. I'll bet you could even integrate it with Evernote or OneNote.

c.

My two articles, "Something Constructive, How to Organize the Facts in Your Case" and "More About Organizing the Facts in Your Case" can be found with a simple search in my blog, [1] www.burtonhunteresq.blogspot.com

.

d.

This letter will appear as an article in my other blog, WV Lawyer – Tips and Techniques, [2] www.burtonhunteresq2.blogspot.com

.

e.

This week I got a quote from the Lexis/Nexis people who bought CaseMap and its siblings 5-6 years ago.

f.

Think of it as Robin Hood's shire being taken over by Attila the Hun!

g.

My lovely little software package, \$500-700 for three permanent licenses, is now an annual subscription.

h.

Being pricey, I skipped the updates the last couple of years, but I wanted fresh software for my paralegals.

i.

Remember, I am a sole practitioner!

j.

My costs to update (something I already bought)? \$6000- \$8000; egad!

k.

So, yesterday, after a quick tutorial to see how to make text wrap within an Excel spreadsheet cell, I created the BurtMapWorkbook.02.27.2014.

l.

There are 9 worksheets in the workbook:

i.

People;

ii.

Documents;

iii.

Events;

iv.

Places;

v.

Other objects (like physical objects);

vi.

“Top Ten Lists”;

848

vii.

“Legal Issues”;

viii.

“Factual Issues”; and

ix.

Timeline.

m.

I am giving it to you. It is not worth \$8000. Neither is CaseMap, but you still can go to [3] www.casesoft.com and view their tutorials and promotional material explaining the CaseMap system. I think it's a great way to organize those pesky facts! Just read “CaseMap 101”. It is NOT rocket science.

n.

The beauty of my spreadsheets, which, by the way, I have never used and do not warrant, is that anyone familiar with a spreadsheet can enter the witness name and contact data, document date and description, and other data.

o.

Once you have identified 5-10 legal and factual issues, you can link the data to the proper issue(s).

p.

You will have all your client's worries and goals in one place.

q.

With all these “objects” you can create a comprehensive “timeline”; what better way to tell your client’s concise story to the court?

r.

If your new client even took a h.s. course in Office, or just Excel, you can e-mail the workbook to the client.

s.

This is a great advantage to the out of town or overseas military client.

t.

When it is time for a pre-trial memo, it’s all here, and you don’t have to pay Casesoft an annual license fee of \$1200 per user.

5.

If you already have a great way to keep your facts organized, more power to you! But don’t tell me it’s your legal pad!

6.

If you don’t mind paying Lexis/Nexis thousands of \$\$, go for it .

7.

But if you just want a simple and cheap tool to make life a bit easier, check out BurtMapWorkbook.

Beware the coming blizzards:

a.

The one from the North, and

850

b.

The paper one you will face if you do not become Paper LESS.

Burt

1. <http://www.burtonhunteresq.blogspot.com/>
2. <http://hunterlawfirm.net/>
3. <http://www.casesoft.com/>

9.12 January

A New Table of Contents to My Blog and Other Useful Tidbits (2014-01-30 22:09)





Some days, the only use I can picture for my Dell Latitude Laptop is as a Frisbee, right off of the back deck! This is one of them. Facebook and my Hughesnet Satellite have conspired to have me be nearly immobile. Ugh!

Before I forget, here is the link to my Professional FB page and the table of contents to my new blog book (more about that below). You can use this to search for the articles, all of which are still on my blog, or write me for the PDF filehunterjb@hunterlawfirm.net

[3]<http://tinyurl.com/mvw67nj>

I think it is about time for Facebook to do the following:

1. Allow us to upload jpeg files in the order we want them. even numbering them 1-10 won't do it for me. Sorry if my table of contents jumps back and forth. There are 185 separate articles.

2. Allow up to upload PDF files. Their pages are already in order.

3. Have an easy way, similar to the defunct Kodak Gallery or Snapfish to access our posted FB photos and albums for printing, enlarging, cropping, etc. I have 66 albums and 3000-5000 photos uploaded, but Kodak Gallery is gone, and Snapfish just doesn't work for me.

A couple of months ago, my Blogger (owned by Google) blog platform began telling me it won't support my Windows Explorer. It finally restored my search feature, but uploading photos has been nearly impossible.

I don't like Google Chrome, and all the crap that comes with, but I just allowed myself to be manipulated into downloading it so I can upload these magnificent photographs.

Google has convinced me that it has "thrown in the towel" with Blogger.

Can't wait to move the "whole shebang", professional website and blogs, to the Wordpress platform. Stay tuned.

I pulled out my old birthday photo last night (March 2013, top left) to toast to Pete Seeger and a life well lived. Thanks to Spotify, we had a lovely musical evening listening to Pete, Peter, Paul and Mary, and Bob Dylan.

One of my "fun" FB friends chided me for not being authentic with my tie and blazer, so I inquired whether she wanted me to put on a banjo and outfit. She opined "Yes, Of course!", **but another FB friend bailed me out**. So there I am, upper right, a Pete Seeger lookalike! I did once own a banjo by the way? That's another story.

A busy winter, and some diligent efforts to update my Pathagoras document assembly templates, and to learn Microsoft Word and Adobe Photoshop Elements, and my Sony Cybershot DSC-RX1000 manual, have kept me from much posting this winter.

With sites like YouTube, www.Lynda.com, Khan University, Google Scholar, Wikipedia, and www.Grovo.com, the wealth of the world's wisdom is available to everyone.

But, back to my blogs, yesterday I went to Blog2Print and created a PDF of this blog. It was about 275 pages when I did that in May of 2013. Today it is over 425 pages! It costs me nearly \$200 to print is as a hardback but only \$7.95 to read a PDF file of the book. That's the one I will happy to share at no cost. Write hunterjb@hunterlawfirm.net . **It reflects much of what I have learned in my profession and my life.**

Every new client gets several articles printed from this blog, tailored to his or her situation. I think it is chock full of useful stuff, and it is not lacking in strong opinions. Tell me what you think, but be kind!

Here are some cool things I have found.

1. A 2003 interview of Pete Seeger on NPR's On Point. What a compelling portrait of an old, but gentle, radical:

Pete Seeger: [4]<http://onpoint.wbur.org/2014/01/28/the-world-according-to-pete-seeger-a-remembrance>

2. The 18 minute recording of school secretary Antoinette Tuff defusing a potentially deadly situation in here school.

Antoinette Tuff

[5]http://www.slate.com/blogs/the_slatest/2013/08/22/antoinette_tuff_911_call_listen_to_the_full_tape_of_ga_school_clerks_call.html

3. A Diane Rhem interview of Rebecca Mead author of a book on the background and creation of the great Victorian Novel Middlemarch, by George Elliott. I learned a lot just driving home from Elkins. Her philosophy for marriage and life was the need for us to have, and act on, empathy. I think that may be one thing that separates "modern" thinking and pre-modern.

Middlemarch: [6]<http://onpoint.wbur.org/2014/01/30/middlemarch-george-eliot-rebecca-me> ad

4. I am reading a "tell it like it was" non-fiction book by former Secretary of Defense (under George W. Bush and Barack Obama): Duty: Memoirs of a Secretary of War. He is not as rough on either president as the news media made out. He certainly cares little for Donald Rumsfeld and VP Joseph Biden. Interesting so far.

5. **The secrets behind Google, "In the Plex - How Google Thinks..."**. It is an interesting but ponderous and repetitive read. At least at Kindle, the prices are right.

6. **A Short History of the Byzantium by John Julius Norwich**; the story of 1100 years of the empire founded by Constantine the great. The author makes a great case that this is a much more important era than it gets attention for. A Christian bastion against the spread of Islam into Europe. Nancy and I are planning a trip to Venice. A friend has given my three key titles, one being **A Short History of Venice**, by the same author, and **The Civilization of Europe in the Renaissance** by John Hale. I have read one chapter of each!

7. **The Price of Justice, A True Story** - stunning accusations against our WV Supreme Court and political system.

I share these things because they are of great interest to me, and I hope to some of you. jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2014/01/BurtsToast.jpg>

2. <http://hunterlawfirm.net/wp-content/uploads/2014/01/WoodyBurt.jpg>

3. <http://tinyurl.com/mvw67nj>

4. <http://onpoint.wbur.org/2014/01/28/the-world-according-to-pete-seeger-a-remembrance>

5. http://www.slate.com/blogs/the_slatest/2013/08/22/antoinette_tuff_911_call_listen_to_the_full_tape_of_ga_school_clerks_call.html

6. <http://onpoint.wbur.org/2014/01/30/middlemarch-george-eliot-rebecca-mead>

**Letter to Colleagues, Friends, and Family - A Pathagoras (Document Assembly) Refresher
(2014-01-12 00:53)**

Pathagoras Owner Roy Lasris

Dear Colleagues;

(and Burt's staff, friends, and family, since this software benefits anyone who needs to produce, assemble and distribute documents; feel free to forward to anyone whose business produces lots of documents.)

Please delete this if you have no interest in my fascination with document assembly.

I am beginning my annual Pathagoras binge where I review the basics, reorganize my favorite forms/templates, and try to move forward on my goal to improve and streamline my document assembly. I was able to notify founder Roy Lazris that the link to one of his basic manuals, my favorite, had failed. Thanks for restoring it Roy. I also mentioned to him that the learning site [1] www.Lynda.com

has some great courses on popular applications for a monthly subscription price. Roy responded (he always responds positively to suggestions, even when he respectfully disagrees) that he will prepare some similar, but free, tutorial videos to supplement the ones below. Roy continues to be the most responsive, and responsible, software publisher I have ever encountered. Try contacting Microsoft or Nuance in case you doubt me. **Below I have copied and pasted the Links to the Pathagoras manuals, tutorials, reviews, the free trial download, and purchasing and ordering information. Enjoy.** I get no "kick-back", but please feel free to tell Roy, "Burt sent me!" I still look forward to the time that colleagues and I can share, refine, and invent a complete line of WV practice Pathagorized Word Forms! And don't forget Baron Henley's reminder that **if you do not understand Word paragraph numbering, styles, and themes, you are NOT properly using Word.**

Regards,

Burt

Pathagoras Document Assembly (Microsoft Word Based – No Programming Required.)

Beginner's Guide: [2] [http://www.pathagoras.com/help/Pathagoras %20Beginners.pdf](http://www.pathagoras.com/help/Pathagoras%20Beginners.pdf)
(Burt's favorite)

Basic: [3] [http://www.pathagoras.com/help/Pathagoras %20 %27No %20Setup %27.pdf](http://www.pathagoras.com/help/Pathagoras%20%27No%20Setup%27.pdf)

Seven Day Plan: (15 minutes per day): [4] [http://www.pathagoras.com/help/Pathagoras %207day %20Plan.pdf](http://www.pathagoras.com/help/Pathagoras%207day%20Plan.pdf)
(The second essential)

Pathagoras 600 Page Manual: [5] <http://www.pathagoras.com/help/Pathagoras.pdf>

Video Tutorials: [6] <http://www.pathagoras.com/video.html>

Free 90 Day Trial Pathagoras: [7] <http://www.pathagoras.com/orderdemo.html>

Reviews and Kudos: [8] <http://www.pathagoras.com/reviews.html>

Pricing and Order: [9] <http://www.pathagoras.com/pricing.html>

1. <http://www.lynda.com/>
2. <http://www.pathagoras.com/help/Pathagoras%20Beginners.pdf>
3. <http://www.pathagoras.com/help/Pathagoras%20%27No%20Setup%27.pdf>
4. <http://www.pathagoras.com/help/Pathagoras%207day%20Plan.pdf>
5. <http://www.pathagoras.com/help/Pathagoras.pdf>
6. <http://www.pathagoras.com/video.html>
7. <http://www.pathagoras.com/orderdemo.html>
8. <http://www.pathagoras.com/reviews.html>
9. <http://www.pathagoras.com/pricing.html>

More Correspondence with Baron Henley - Dear Colleagues, January 1, 2014 (2014-01-03 19:57)

Burt's First Dear Colleague Newsletter of the Year - 2014

Dear Colleagues;

1. Just delete this thread if you simply don't have the time, but it is pretty amazing to receive this kind of analysis from a nationally known tech expert. Affinity bills itself as the largest in the U.S. I forward this with the hope you will discover your "inner nerd". Baron was replying to my prior post.

2. You may remember a similar geeky thread I turned into a blog post a year or two ago. It was a chat between Scott Curnutte, a loyal user of "Lotus Notes", and Roy Lazris, designer and owner of Pathagoras document assembly program. His

Pathagoras application is based in Word and is marketed for "the little guy" to design his own forms. He and Barron have had some interesting exchanges through me. Thanks Baron for motivating me to learn more about Word paragraph numbering, style, and themes. I will return to Word with a better understanding of the features of Word.

Baron is the consummate, sophisticated, user of HotDocs. Regardless of whether you are a "Pathagaciser" or "HotDocs-er", you really, really, need to master document assembly.

3. Baron addresses below, and I respond from my perspective in dark maroon, what should be critical questions each of us is trying to answer.

I agree with everything he says, BUT I annotate his comments below from the perspective of a sole practitioner, who has 30+ years of paper records, four employees, and some proprietary software that works well for me. If I were a larger firm or had practiced fifteen years or fewer, I think I would follow Baron's every suggestion. As it is, I have to pick and choose.

4. EVERYONE should evaluate the advice we get through the prism of practice size, level of tech savvyness, years of experience, etc. Thank you Baron for your contribution.

Burt

On Jan 1, 2014, at 7:38 PM,

"Barron Henley" [1]

bhenley@affinityconsulting.com

> wrote:

A couple of comments:

1.

The URL for wunderlist is [2]

www.wunderlist.com<<http://www.wunderlist.com>

(link below is "wonder" rather than wunder); however, if you are looking for a killer task manager, [3]

www.Evernote.com<<http://www.Evernote.com>

is generally recognized as the best one out there so make sure you try that as well (there is a free and a pay version).

Another very highly rated option is [4]

www.rememberthemilk.com<<http://www.rememberthemilk.com>

.

Burt's Response

5. I confess to writing the last article on the fly but Googling "Wonder List" does locate the website and the App. Today I used it, and it is simple, and the same list appears whether you access it from iPhone, iPad, or Windows based laptop or desktop. I have tried and failed to use Outlook Tasks effectively. It just isn't intuitive enough for me. I read, and recommended to you, "Effective Time Management, Using Microsoft Outlook to Organize Your Work and Personal Live" by Seiwert and Woeltje. It has many useful tips, but so far Outlook tasks has not been "My thing".

I also have tried hard with Evernote and am CERTAIN it is a solution to my problems. I took a 3-4 hour [5]

www.Lynda.com

video class and wrote a blog article on it. Sorry, the search feature of my blogs is "temporarily - I hope" disabled. That's a reason I am probably moving to Wordpress. Mike Mellace from WV State Bar Office wrote me back and strongly recommended Wordpress. I perceive Evernote as a research tool and information organization tool. Not aware that it is also a task list product, but I will check it out. Evernote also works from every device you have. I am NOT giving up on mastering it, especially since Baron thinks its "to do list" feature is a good one.

I agree that "Remember the Milk" is highly recommended, so I will try them all for this purpose. Keeping and prioritizing task lists, and calendaring, are essential skills for a trial lawyer.

From Baron

> 2.

There are many disadvantages to accessing your email ONLY from a webpage, [6]

www.outlook.com<<http://www.outlook.com>

or [7]

www.gmail.com<<http://www.gmail.com>

> or any other similar service) compared to using an email application (like MS Outlook (the program, not the website) or Mozilla Thunderbird) which downloads your email so you can do more with it.

For example, almost every legal case management program integrates with Outlook (huge advantage); without exception every document management program integrates with Outlook; and some legal accounting programs integrate with Outlook do as well (such as PCLaw which makes billing an email a click away).

In fact, just about every program that offers email integration integrates with Outlook.

The integration between Adobe Acrobat and Outlook is worth the price of admission alone.

There are also great Outlook add-ins for Outlook like this< [8]

<http://www.outlook4lawyers.com/>

and this< [9]

<http://www.copy2contact.com/>

.

Benefits of Outlook:

If you use an email program, you can read email when you're offline.

You can save them as files more easily (msg or pdf).

Your email program can be linked to many other useful programs.

With Outlook, you get full integration between email, your calendar, tasks & contacts as well.

No, we don't sell MS Office or MS Outlook and I don't own stock in Microsoft.

It just happens to be the most comprehensive email solution for a lawyer, in my professional opinion.

Add hosted Exchange < [10]

http://office.microsoft.com/en-us/exchange/hosted-email-online-email-com_pare-exchange-online-plans-FX103764022.aspx

, and you've got the ultimate solution.

From Burt

6. This is my most daunting challenge. Please read Baron's para #2 above twice! It is critical to your future success. I mean that.

You see, I have a billing system that I "invented" in the early '80's using Appleworks, then Microsoft Works, and finally, I had it programmed into Microsoft Office Access. It works! When I tried to hire someone to install one of these whiz-bang integrated practice management applications, such as PC Law or Abacus, the cost was \$8000- \$12,000. I was buying new hardware at the time and could not even think about it. But if I didn't have 5000 closed files, most un-scanned, I do everything that Baron recommends here? And, for now, I will stay with my hosted Outlook even though it is a bit slow. After all, I can access it with my iPhone, iPad, Desktop, and Laptop. Recently I forgot the phone, but my back up iPad accessed my calendar. Every time a colleague tries to call her office in the middle of a hearing only to learn her secretary is on the John, I am very happy I carry my calendar with me.

From Baron

3.

If you have MS Outlook (the program), you can use it to automatically download your free [11]

www.outlook.com<<http://www.outlook.com>

> email

(see this< [12]

<http://windows.microsoft.com/en-us/windows/outlook/outlook-connectord>

> for instructions).

If you have a Gmail account and would like to pull that into MS Outlook, you can do that for free as well.

Just go here< [13]

<https://support.google.com/mail/troubleshooter/1668960?hl=en>

> and select that you want IMAP.

From Burt

7. Glad to know I can do this. I probably should do a better job of being able to access my Gmail and Outlook e-mail from one source; for now I am almost exclusively [14]

hunterjb@hunterlawfirm.net

. I have a Gmail account but do not prefer it. But, my son John B. Hunter IV who is quick tech savvy himself, swears by Gmail.

4.

QuickBooks (either shrink wrapped or online) is a terrible solution for law firm accounting compared to an accounting solution DESIGNED for lawyers.

QuickBooks would be good for a muffler shop or a company that sells widgets, but it is really lacking when it comes to legal.

For example, comparing it to PCLaw (a legal-specific accounting program from LexisNexis - see [15]

www.pclaw.com

).

From Burt

8. Baron is right on, BUT, again, our small town accounting firm feels more comfortable with Quick-books Pro. I don't like its reports. It won't handle billing, and it stubbornly will not provide a module

taylored to lawyers, BUT I do not have the \$10,000 or the time to change. Your situation may be much different. I hope so.

From Baron

a.

QuickBooks ("QB") doesn't allow you to tag information to a matter and organize it around a matter. PCLaw ("PCL"), on the other hand, organizes everything around a matter because it's designed only for law firms and its developers understand the concept.

b.

While QB can be set up to track trust fund balances, it is up to you to manually ensure you don't overdraw the trust account for any individual client. Given the high penalty of this action, you probably don't want to depend on manual checks.

By contrast, it is impossible to bring trust out of balance in PCL.

From Burt

9. I agree with this. It's a stressful job for my Dear wife of 45 years, and office manager Nancy, to move between our QuickBooks Pro for accounting and payroll and our Access based database for billing.

From Baron

c.

QB billing statements/invoices are difficult to customize (and look awful IMHO); and it is difficult to show hours spent on each billing line item.

PCL can do all of this.

From Burt

10. That's why we don't use QB Pro for billing.

From Baron

d.

QB does not keep track of write-ups or write-downs and therefore cannot produce reports on the variance.

PCL does this.

From Burt

11. As our dog Duffy says to my heartfelt instructions: ??

From Baron

e.

QB does not allow you to assign specific bill templates to specific clients while PCL does.

f.

Do you need or want subtotaling on your invoices – time vs. expenses, subtotals by timekeeper, or totals by activity? You can manually insert subtotals on a QB invoice but it cannot be done automatically. PCL does this automatically.

g.

There is no ability to create a timekeeper summary table at the bottom of invoices, a popular feature with many law firms.

PCL does this, of course.

h.

You cannot show trust account balances and transactions at the bottom of a QB invoice.

PCL does this.

i.

If you bill clients for soft costs (things for which you don't write a specific check like copies), there's no direct way to track and bill customers. PCL offers several ways to do this.

j.

While QuickBooks has a batch billing capability, you can only use this if you are going to bill the clients exactly what is on the bills automatically.

There's no ability to edit as you go. QuickBooks also does not have a pre-bill capability. If you generate bills and include time and costs and then choose to remove those entries from the bill or undo the bill, the entries do not return to billable status.

PCL offers all of this.

k.

QB users cannot choose to allocate payments to expenses, fees or specific timekeepers. If the client pays part of the invoice balance the payment will be allocated proportionately across the items on the invoice.

l.

There is not an easy way to set multiple rates for each employee and have them automatically picked up depending on the client.

PCL easily does this.

m.

If you have a need to sort the entries on the invoice in QuickBooks in a particular fashion you must either type them in or choose them one at a time, there is no sort capability. There is also no easy way to show the timekeeper who did the work on the invoice.

PCL easily handles all of this.

n.

QB does not easily allow one to show past balances, transactions and a new total at the bottom of invoices.

PCL does this.

o.

QB does not have split billing or consolidated billing capability.

PCL does both of these things.

13. Remember; I agree with Baron but do not have the resources to follow his advice; thus, if I were just starting out, I might let Paul Boland to convince me to give Outlook.com or Quickbooks.com or something similar a try. Just because you are new and/or poor, it does not follow that you don't need to be connected, integrated, tech savvy, and "in the Cloud".

p.

Productivity Reporting – PCL has stellar productivity reporting; QB has virtually none.

q.

PCL offers electronic billing (LEDES format) while QB does not.

r.

PCLaw offers full financial reporting (as good as QB).

s.

PCLaw manages client costs much more easily because of matter centrality.

t.

PCLaw offers remote time entry functionality.

u.

PCLaw offers FULL case/practice management functionality while QB does not.

From Burt

12. Lest I am misunderstood, I agree with Baron. My writing and input to such discussions is aimed at someone similar to or less than I in "tech savvyness". If you can do what Baron recommends or pay him or his service reps to do it, please do so.

5.

If you're not having a good first day of 2014, see [16]

<http://emergencycompliment.com>

.

;)

Thanks again to Barron!

Barron K. Henley, Esq., Partner

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876

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Main 614.340.3444

Direct 614.602.5561

www.affinityconsulting.com

[17] <http://www.affinityconsulting.com/>

1. <mailto:bhenley@affinityconsulting.com>
2. <http://www.wunderlist.com%3Chttp/www.wunderlist.com>
3. <http://www.evernote.com%3Chttp/www.Evernote.com>
4. <http://www.rememberthemilk.com%3Chttp/www.rememberthemilk.com>
5. <http://www.lynda.com/>
6. <http://www.outlook.com%3Chttp/www.outlook.com>
7. <http://www.gmail.com%3Chttp/www.gmail.com>
8. <http://www.outlook4lawyers.com/>
9. <http://www.copy2contact.com/>
10. <http://office.microsoft.com/en-us/exchange/hosted-email-online-email-compare-exchange-online-plans-FX103764022.aspx>
11. <http://www.outlook.com%3Chttp/www.outlook.com>
12. <http://windows.microsoft.com/en-us/windows/outlook/outlook-connector>
13. <https://support.google.com/mail/troubleshooter/1668960?hl=en>
14. <mailto:hunterjb@hunterlawfirm.net>
15. <http://www.pclaw.com/>
16. <http://emergencycompliment.com/>
17. <http://www.affinityconsulting.com/>

Burt's January 1, 2014 Letters to Colleagues (and Clients). (2014-01-01 21:35)



Here is evidence of our efforts to become "paper-less"; 460 bankers boxes

that we brought downstairs, 60 of which are ready for shredding.

Colleagues;

1. Sorry to be a pest, but here is a link posted to FB by Family Law Expert, Mediator, and Guardian Ad Litem, Linda Hausman. We shall give this to our clients as a handout.

Subject: "Because We Both Love You" – New Year's Resolutions for Divorced Parents | Kate Scharff

[2] [http://www.huffingtonpost.com/kate-scharff/new-years-resolutions-for _4 _b _4505703.html?ref=topbar](http://www.huffingtonpost.com/kate-scharff/new-years-resolutions-for-_4_b_4505703.html?ref=topbar)

2. And, I have downloaded and started to use [3] www.Wunderlist.com, a task and "to do" application strongly recommended by Tech Expert Dean Boland. You can download it for free (paid version available) and use it from any computer/device. If you have tried, and failed as I have, to use the Task feature of Outlook, this may be just the ticket.
3. He also recommends you check out [4] www.Outlook.com and [5] www.Quickbooks.com, both cloud based versions similar to the originals.
4. I have found that Lynda.com has some pretty good video tutorials on Microsoft Word - paragraph numbering, styles, and themes. You will recall that Baron Henley advises that most of us are woefully deficient in using these features of Word. They (the videos and the features) were very interesting. And, they should help us work on document assembly through Pathagoras.com or HotDocs.com.

And, here is one Burt mailed this morning, before the one above: My reply to an e-mail I got from Mid Western Lawyer, Bruce Cameron, about his new blog:

Mr. Cameron”

Welcome to a very small club. I am forwarding your announcement for information of my “Dear Colleague” newsletter. Some, but not all, are small town, rural, lawyers. If I plagiarized your title, it would have to be LLOitM (Little Law Office in the Mountains)! It appears that I must change my blogs also. Blogger has begun to malfunction. Looks like Wordpress is “the ticket”.

Regards,

Burton Hunter

WV Lawyer, Tips and Techniques [6] www.burtonhunteresq2.blogspot.com

Perspectives of a Small Town Lawyer [7] www.burtonhunteresq.blogspot.com

From: Rural Lawyer [8] [mailto:comment-reply@wordpress.com]

Sent: Wednesday, January 01, 2014 9:00 AM

To: Burton Hunter

Subject: [New post] A New Year, a New Venture

Bruce Cameron posted: " With the new year comes a new blog for me - Little Law Office on the Prairie (LLOotP for short). My plan is that LLOotP will be a place to discuss the business of running a rural law firm - everything from the marketing and business challenges rural s"

Respond to this post by replying above this line

New post on **Rural Lawyer**



[9]

A New Year, a New Venture

by [10]

Bruce Cameron

With the new year comes a new blog for me - Little Law Office on the Prairie (LLOotP for short). My plan is that LLOotP will be a place to discuss the business of running a rural law firm - everything from the marketing and business challenges rural solo's and small firms face to the technology [...]

[11]

[Read more of this post](#)

[12]

Bruce Cameron

| January 1, 2014 at 8:00 am | Tags: [13]

Practice Management

, [14]

Rural Law

, [15]

Software

, [16]

Solo Practice

, [17]

Startup

882

, [18]

Technology

| Categories: [19]

Marketing The Practice

, [20]

Practice Management

, [21]

Practice Matters

, [22]

Ramblings

, [23]

Rural Practice

, [24]

Software

, [25]

Technology

| URL: [26]

<http://wp.me/plKLz-hj>

[27] Comment

[28]

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[31]

<http://rurallawyer.com/2014/01/01/a-new-year-a-new-venture/>

[32] Thanks for flying with  WordPress.com

1. <http://hunterlawfirm.net/wp-content/uploads/2014/01/111Boxes.01.01.2014.jpg>
2. http://www.huffingtonpost.com/kate-scharff/new-years-resolutions-for_4_b_4505703.html?ref=topbar
3. <http://www.wonderlist.com/>
4. <http://www.outlook.com/>
5. <http://www.quickbooks.com/>
6. <http://www.burtonhunteresq2.blogspot.com/>
7. <http://hunterlawfirm.net/>

8. <mailto:%5Bmailto:comment-reply@wordpress.com%5D>
9. <http://rurallawyer.com/2014/01/01/a-new-year-a-new-venture/>
10. <http://rurallawyer.com/author/rurallawyer/>
11. <http://rurallawyer.com/2014/01/01/a-new-year-a-new-venture/>
12. <http://rurallawyer.com/author/rurallawyer/>
13. <http://rurallawyer.com/?tag=practice-management>
14. <http://rurallawyer.com/?tag=rural-law>
15. <http://rurallawyer.com/?tag=software>
16. <http://rurallawyer.com/?tag=solo-practice>
17. <http://rurallawyer.com/?tag=startup>
18. <http://rurallawyer.com/?tag=technology>
19. <http://rurallawyer.com/?cat=23375266>
20. <http://rurallawyer.com/?cat=116807>
21. <http://rurallawyer.com/?cat=652256>
22. <http://rurallawyer.com/?cat=7>
23. <http://rurallawyer.com/?cat=6739148>
24. <http://rurallawyer.com/?cat=581>
25. <http://rurallawyer.com/?cat=6>
26. <http://wp.me/p1KLz-hj>
27. <http://rurallawyer.com/2014/01/01/a-new-year-a-new-venture/#respond>
28. <http://rurallawyer.com/2014/01/01/a-new-year-a-new-venture/#comments>
29. https://subscribe.wordpress.com/?key=4e3fcf8daa3f2285d866bcc4eebc70db&email=hunterjb%40hunterlawfirm.net&b=%3FDCC-N_pqy6M6%5BKs8Ck8ZFKyKSt50u%26gbQ-UdPWRI1b8De
30. <https://subscribe.wordpress.com/?key=4e3fcf8daa3f2285d866bcc4eebc70db&email=hunterjb%40hunterlawfirm.net>
31. <http://rurallawyer.com/2014/01/01/a-new-year-a-new-venture/>
32. <http://wordpress.com/>

10. 2013

10.1 December

Guest Blogger Barron Henley - The Realities of the Paperless Office (2013-12-20 19:56)

Folks:

You are invited to my sister blog, "WV Lawyer, Tips and Techniques", for a post, with permission, from our guest blogger Barron Henley of Affinity Consulting. He writes of his experience and ideas relative converting the small legal office to a "less paper environment".

Hardware, software, cloud back-up, procedures, and training; they are all here with hyperlinks to relevant sites.

Thank you Barron for sharing! Click on the link below.

jbh

[1]<http://tinyurl.com/m8qqxs6>

1. <http://tinyurl.com/m8qqxs6>

The Dream of a "Paper-LESS" Office is a Reality (2013-12-20 00:00)

Thank you Barron Henley of Affinity Consulting (full contact information below) for allowing me to post the e-mail you wrote in reply to my "Full Colleague" mailing list newsletter. You let me share with them, and now with my blog readers.

If you, my reader, have ever considered moving to less paper, a "paper-LESS" office, then you should read the post below. Barron covers hardware, software, and (this is important) goals and attitude. Take it a step at a time

, and you will get here, but START, my writing coach says, "bird by bird".

I am pleased to be able to share this with you.

Burt and everyone:

I have some responses and recommendations for you.

1.

Ingredients for a Paper-Reduced Office : For 99 % of law firms, paperless is impossible to achieve (completely). On the other hand, LESS paper is easily achieved and offers huge benefits. In order to do it, you need the following:

a.

Redundant backup systems and digital/cyber security : This all needs to be in place before you even think about this process.

b.

Acquire Desktop Scanners : If you rely solely on a copier, in our experience, you'll never get there. Scanning needs to be easy and convenient and that means small desktop scanners like [1] this . If you need more speed, then consider [2] this or [3] this .

c.

Acquire Scanner Software That Creates Searchable PDFs : If you want to be able to find all of those documents you're scanning by the words contained in side them (using a search utility which is described later), then the PDFs you're creating need to be "searchable" PDFs which means that they contain a layer of searchable text within them. Copiers never create searchable PDFs but many desktop scanners do (such as the aforementioned ScanSnap). You can also use Adobe Acrobat to convert non-searchable PDFs into searchable PDFs. If you get one of the Fujitsu scanners mentioned above, you'll get Adobe Acrobat XI with the scanner. If you need to buy something, we think the best option is [4] Foxit PhantomPDF Business.

d.

Acquire A Search Program : You need to be able to find any file you've ever created or scanned by the words contained inside them. Therefore, you need a search utility. If you're a Windows user, we'd recommend [5] this ; and if you're a Mac user, we'd recommend [6] this .

e.

Consolidate Folder Structure and Establish File Naming Conventions : You need to manage your electronic files exactly the same way you manage your paper ones. In other words, you need a single folder for ALL documents related to a particular matter. Each user in your firm cannot be allowed to create their own filing systems. Further, you need to agree upon a uniform file naming convention that everyone adheres to. For example, we favor the following example. The date portion of the file name is the date it left your firm (if it's something you created) or the date you received it (if it is a scanned incoming document). By putting the year first, the files will sort in chronological order.

f.

Digitize Incoming Documents : Everything that comes into your office from the outside needs to be scanned and filed appropriately.

g.

Store Email Outside of Your Email Program : Printing email only makes your paper files fatter, harder to manage and more difficult to search. Instead, keep your email in the same folders (by client/matter) where your word processor files and scanned documents are stored. You have two options here. If you're using an email program like Outlook, you can open an email and click File > Save As and save the email as an MSG file. MSG files have the benefit of also retaining any attachments to the email. Regardless of whether you use Outlook, you could always make PDFs out of any email you open using Adobe Acrobat or any of a slew of free PDF creation programs like [7] this or [8] this .

h.

Provide Training for all Lawyers and Staff : If you're not going to invest in training for the hardware and software, then I'd recommend you abandon this whole idea. You get everyone on the same page, establish uniform protocols, break down any resistance and offer proof of concept with *training* .

i.

Write Down Your Scanning Protocols : After you figure out what works for you, WRITE IT DOWN. It should be part of your employee manual.

2.

Multifunction Machines : Brother makes some good options like [9] this . You should NOT be using the fax functionality of these machines. Internet faxing is infinitely cheaper and better. For example, consider (Editor's Note: the company that Baron mentioned here just sent me a threatening note asking me to remove the favorable comment Baron made about it. Go Figure?) Dell also makes some really good multifunctions like [10] this and [11] this .

3.

Hosted Servers : Hosted servers give you 24x7 support, 99.995 % uptime and access to all of your programs and data from any computer, tablet or phone connected to the internet. It's how we run our business

and it's a beautiful thing. Unfortunately the multi-million dollar capital investment required to offer and appropriately expand this service is beyond what are interested in doing. Therefore, we began a search to find a hosting company that understood our Rule 1.6 obligation of confidentiality and had lots of law firm experience. That search ended with [12] www.ProCirrus.com . We talked to a guy there named Ronny Loew ([13] ronny.loew@PROCIRRUS.COM) and he explained how everything worked. We tried it and would *nevergo* back to an in-house server. Several of our clients have started using them since, all to glowing reviews. There are other choices like [14] <http://www.mindshift.com/> and [15] <http://www.rackspace.com/> but ProCirrus "gets" legal and their tech support is incredible. Those factors were the most important to us.

4.

Affinity Consulting : I'm STILL with Affinity Consulting (fka HMU Consulting) and never left.

J

We now have 60+ employees in 6 offices and are unquestionably the largest independent legal tech consulting firm in the US. However , our focus remains, as always, on solos and small firms. New faces over the years, no question; but the dedication to making lawyer's lives better via the efficient use of technology is a constant. All you have to do is call!

Barron

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[16] www.affinityconsulting.com

1. http://www.amazon.com/Fujitsu-ScanSnap-ix500-Scanner-PA03656-B005/dp/B00ATZ9QMO/ref=sr_1_1?ie=UTF8&qid=1385171472&sr=8-1&keywords=scansnap+ix500

2. http://www.amazon.com/Fujitsu-fi-6130Z-Sheet-Fed-Document-PA03630-B055/dp/B006MI6M7E/ref=sr_1_1?ie=UTF8&qid=1385173324&sr=8-1&keywords=6130z
3. http://www.amazon.com/Fujitsu-fi-6140Z-Document-Scanner-PA03630-B005/dp/B006MI6MFQ/ref=sr_1_1?ie=UTF8&qid=1385173344&sr=8-1&keywords=6140z
4. <http://www.blogger.com/Foxit%20PhantomPDF%20Business>.
5. <http://www.copernic.com/en/products/desktop-search/features/>
6. <http://www.houdah.com/houdahSpot/>
7. http://www.foxitsoftware.com/Secure_PDF_Reader/index.php
8. <http://www.primopdf.com/>
9. http://www.amazon.com/Brother-Printer-DCP8110DN-Monochrome-Networking/dp/B008CJ0XVM/ref=sr_1_1?ie=UTF8&qid=1385174649&sr=8-1&keywords=DCP-8110DN
10. <http://accessories.us.dell.com/sna/productdetail.aspx?c=us&cs=04&l=en&sku=210-ABOC>
11. <http://accessories.us.dell.com/sna/productdetail.aspx?c=us&cs=04&l=en&sku=224-9645>
12. <http://www.procirrus.com/>
13. <mailto:ronny.loew@PROCIRRUS.COM>
14. <http://www.mindshift.com/>
15. <http://www.rackspace.com/>
16. <http://www.affinityconsulting.com/>

A Father's View of Risk Taking (2013-12-12 00:11)



[1]

This February, Nancy and I will have been married 45 years, and will have known each other nearly 50. She is pretty special.

I have been thinking about the

guy on CNN who rolled his little Jeep onto its roof with young family inside. There it sat, in the middle of nowhere, four tires in the air. They were there, in subzero weather, for 3-4 days. And no one lost even a small toe or pinky. They say he looked out for his family. What was he thinking?

Then I think of a few things I have put my dear ones through.

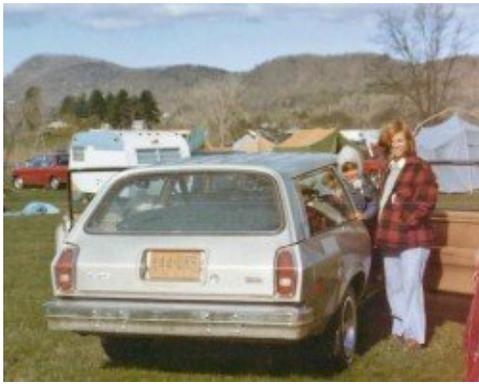
1. Nancy (then Goodfellow) and I once made it back from a “Mind Garage” concert in Morgantown on the old two lane road faster than I can now traverse the interstate. I told her, “I will get you back to the dorm in time, but you can’t whine.” She didn’t. And we did. But it was a crazy decision.

2. Another time, before wedding bells were ever considered, my friend John West and I took our dates to Audra State Park in a snow storm. We made it home “the back way” by putting the three of them in the trunk of my 1966 Buick Skylark. We slid backward down several steep hills before making it back. Then we ate dinner in the old Maggies Restaurant, not “C.J. Maggies”.

I think that was when she started to think of me as an interesting fellow.

3. From time to time, we tested our dates’ mettle by “spelunking”. Once I fell and became wedged between the wall and a large rock. Only by grabbing my arm, collar, belt, and ankle could my friends extricate me. And then there was our encounter with a New York City Garbage Truck. (I will save that one for a later time.) At least Nancy did not have to endure either of those adventures. (Except in the retelling!)

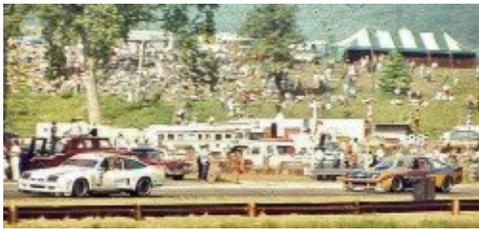
4. After marriage. Nancy “rustic camped” with me at Lime Rock Park just a couple weeks before son Christopher arrived. What was I thinking? The college boys next door were kind enough to quiet down, but the spring storm tore our tent in two.



[2]



[3]



[4]

5. On another occasion, the Crazies at Watkins Glen Race Track tried to lure our RV into the Bog so they could burn it. Had to risk running down some “hippies” as they threw large rocks at us. My secretary and FB Friend, Cathy Paige, and husband Chuck , were with us. Cathy can confirm it was a close call.

6. We also “flat towed” a Ford Pinto to Lime Rock, Watkins Glen, Summit Point, and all night to Rockingham Raceway, N.C. Who puts up with a husband doing such stuff?

7. The “big blow” was to our pocket book the next year when I crunched on of Skip Barber’s formula race car into the Armco Barrier. I cried over that one, apologized, and “retired” for 30 years. I love Skip to this day because he waived their \$1000 deductible. \$1000 was pretty big money in 1980.

8. When we returned to Buckhannon from the USAF JAG Corp, at Griffiss A.F.B., Rome N.Y., we had another occasion to drive to Audra in the snow. With strong assertions, "You had better not get us stuck." She made the identical trip, and more. Better tires, better car for the weather. No problem.

9. Three weeks before Justin was supposed to arrive, I took son John to Summit Point Race Track. The morning of race day, I was called to the tower, where a state Trooper informed me I was a father again. Being already there, I won the race and “high tailed” it back to Buckhannon. We again broke some time records, on and off the track. Had to explain my situation to another state trooper on U.S. Rt. 50. He had pity and sent me on my way. What was I thinking?

10. A few years later, Nancy endured learning that I had “loaned” Christopher to some nice seeming race fans while I raced. When I came back, he was safe and sound. We were “family” back then. It wasn’t so nice when I brought 6 year old Justin back from the track with a large piece of medical tape and gauze holding his ear on. I said, “It’s not that bad, and she started crying.” It wasn’t that bad, really. We left the tape on awhile and stitches weren’t necessary.



[5]

11. These days, I have calmed down a bit, but Nancy knows I will come to her at least once each season, asking her to grab the “come-a-long”, or her car, to pull my tractor out of a hole or our pond. This spring, she got a phone call, “help!” I had my feet slip straight out in front of me on our slippery dock so my shoulders and head slammed onto hard wood. No harm, no foul. But she was there in moments, ready to tend to me.

[6]



12. **And, last fall, while 20 ft. up, while treating our deck, my ladder slipped,** and she had to lie on my elbows so I didn't "go down with the ship". She is deceptively strong for her size.

Can you tell that my beloved wife is tough, feisty, patient and forgiving? I hope the guy with the Jeep is just as lucky.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/12/12-11-2013-6-27-41-PM.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2013/12/LimeRock6.jpg>
3. <http://hunterlawfirm.net/wp-content/uploads/2013/12/LimeRock3.jpg>
4. <http://hunterlawfirm.net/wp-content/uploads/2013/12/Camaros-at-Lime-Rock.jpg>
5. <http://hunterlawfirm.net/wp-content/uploads/2013/12/PopPopKubotaKids2.jpg>
6. <http://hunterlawfirm.net/wp-content/uploads/2013/12/12-11-2013-6-45-20-PM.jpg>

A New Post to My Sister Blog - Equitable Distribution and Alimony Workbooks (2013-12-08 22:15)

Practical Tips to my Colleagues - Equitable Distribution and Budget Spreadsheets - Budget:[1]
<http://tinyurl.com/l2mdp6r>

[2]

Equitable Distribution Spreadsheet					
	Marital	Separate	Net	Net	Net
	Assets	Assets	Assets	Liabilities	Assets
Real Estate	100000	0	100000	0	100000
Bank Accounts	50000	0	50000	0	50000
Retirement	200000	0	200000	0	200000
Auto	15000	0	15000	0	15000
Personal Property	50000	0	50000	0	50000
Liabilities	0	0	0	0	0
Spouse A	100000	0	100000	0	100000
Spouse B	0	0	0	0	0
Total	350000	0	350000	0	350000

1. <http://tinyurl.com/l2mdp6r>

2. <http://hunterlawfirm.net/wp-content/uploads/2013/12/1111.SpreadsheetSnag21.jpg>

Family Law Practice Tip - Equitable Distribution and Alimony Spreadsheets (2013-12-08 21:28)

A	B	C	D	E	F	G	H	I
1	INFORMATION FOR DIVORCE PROCEEDINGS							
2	SUMMARY OF MARITAL PROBLEMS							
3								
4								
5	ARE YOU OR CHILDREN IN SERIOUS DANGER?							
6	COURT ACTION NUMBER:							
7	DATE: SEPARATION DATE: FILING DATE: DRAFT:							
8	YOUR FULL NAME: FIRST: LAST: DRAFT:							
9	FULL NAME:							
10	PHONE NO. HOME: WORK:							
11	YOUR D.O.BIRTH: LAST: D.O.B.:							
12	SPOUSE'S NAME (LAST):							
13	SPOUSE'S FIRST NAME: LAST: D.O.B.:							
14	SPOUSE'S ADDRESS:							
15	DATE MARRIAGE:							
16	LAST COUNTY COMMUNITATED: STATE:							
17	CIVIL MARRIAGE HISTORY? Y OR N:							
18	RACE: WHITE: MEXICAN:							
19	EDUCATIONAL LEVEL: NONE: HIGH SCHOOL: COLLEGE: POSTGRADUATE:							
20	HUSBAND'S Average Monthly Gross Income:							
21	WIFE'S Average Monthly Gross Income:							
22	YOUR JOB/SPLICE:							
23								
24	SPOUSE'S JOB/EMPLOYER:							
25								

Note to the reader: If you are a colleague who would like the Excel Workbook described below, just write me at [2]hunterjb@hunterlawfirm.net . This is a recent "Dear Colleague" newsletter that I sent out.

Dear Colleague:

If you are not a family law lawyer or paralegal, please feel free to delete promptly or forward this to a colleague who is.) **Lyne Ranson**; Please also consider forwarding to our State Bar Family Law Committee and the attendees at our May seminar. This is a better product than the one I distributed that day.

Friday, a young lawyer asked if I have software for evaluating equitable distribution, as he is considering taking on some family law clients. I sent him this, and, of course, the PDF of my book. I hope they help.

In 1999, the week of my Mother's final illness, sitting quietly in her room, with NO smart phone technology available, I had the time to plagiarize, but also to rebuild and understand, a spreadsheet workbook created by one of the smartest guys I know, **Ross Dionne**, now of "Economic Valuation Associates" in Charleston. Note that name in case you need a forensic economist as an expert. [3] rdionne@economicvaluationassociates.com

Hundreds of clients later, it remains my primary tool for identifying, listing, sorting, and dividing, the marital, mixed, and separate assets, and debts, of divorcing couples.

It is this tool that helps a fellow who is a “people person” compete with “detail people” to whom order and vertical thinking come naturally.

I take my laptop to mediations and trials, and my ability to make changes and calculations on the fly provides to me an advantage I need. Every experienced lawyer has her/his own methods regarding “the stuff”. This is mine.

I use Microsoft Office Excel. This workbook is in Version 7, but it is easily convertible. I learned spreadsheets on a 40 k program called VisaCalc 30 years ago. I am surprised how many lawyers do not use spreadsheets. I think they are fundamental. (Practice pointer: My bright son, **John Hunter** , insists it is time for me to move to a Mac Air which will now run Windows Office. I need THAT for my iPad.)

Hope you are enjoying our snowy Sunday.

Regards,

Burt

J. Burton Hunter III

This e-mail is confidential; if you received it by mistake,

please delete and let me know. Thanks, Burt

[4]

From: Burton Hunter
Sent: Saturday, December 07, 2013 6:14 PM
To: Young Lawyer Interested in Family Law
Cc: Burton Hunter
Subject: Your Request for my Equitable Distribution and Budget Excel Workbook

Hi (Young Lawyer Interested in Family Law) ;

Thanks for giving me the chance to clean up and share my Equitable Distribution Excel Workbook.

Note that this one assumes you are representing the wife as petitioner. I need to have four forms. Two each for wife and husband, as Petitioner and as Respondent. But, it takes only 5-10 minutes to change the headings..

WARNING, always give the workbook a new name at the beginning and save it first. Don't save your client's workbook over the template.

I like: "Smith.BerthaEquitDistrib.12.07.2013.xls."

Thanks to your request, I will also share this workbook with my "Dear Colleague" mailing list.

1. I give credit for this format to Forensic CPA Ross Dionne, and all blame for its shortfalls to myself.
2. There are commercial programs. One I think was marketed by Clarksburg lawyer/mediator Peter Conley. It is easy and helpful but doesn't give me the view I am used to and feel I need.
3. I like this set of worksheets for several reasons:
 - a. Even though I had Ross's hard copy of his form, I had to create all the formulas and make sure I knew what was necessary to make everything balance. That made me a better divorce lawyer.
 - b. It allows you to work in considerable detail. Even though we are fixed at around 30 personal property items, a dozen real properties, etc., I have never had problems adjusting. I list the major items (cars, boats, farm equipment), but for groups of items, I hit "=" and enter a series of assets ___ + ___ + ___ and hit enter to have the total appear. Thus, we can have 400 items clearly visible.
 - c. I complete this form with the client, asking her to circle each item as she gives it to me, and check it off once I enter it correctly.
 - d. I like to have a separate screen for the client to view. She can catch my typos. When we are done, I give the client a copy, and they share a sense of mastery and order, even if they came in with confusion and uncertainty.
 - e. If client has not done a Kelly Blue Book asset valuation, we can get on the Internet and do that too. Client gives me the make, model, year, condition, and we print out the "private party valuation".
 - f. The strength of this format is the four columns on the right side of the equitable distribution form.



[5]

1. It has two columns for each spouse, assets and debts.

2. On the left side of the form, it has a total for all marital assets and all marital debts and a field showing the "Net Valuation Total", "marital net worth."

3. After the data is entered, even with some rough valuations, the client get to divide the assets and debts however she wants. If an asset is to be sold, or divided 50/50, just enter "=/2" and half of the value goes to that party's field.

4. Where a number of items are going to the same party, just "grab the handle" on the lower right corner of the field, pull it down, and it autofills.

5. The net to wife and net to husband are automatically calculated, as are the deviation from a perfect 50 % and the difference between the two is listed near the bottom of the right side of the form.

6. It is easy to play "what if". You can change a value, move an asset or debt to the other party's column, etc. Errors become apparent when the husband's and wife's sides are not mirror images.

- g. I often list 25 %-30 % of the gross value of an IRA or 401K to its right as a debt (or liability). L

- h. Likewise, I will put the value of a marital residence as, " $\$Value - (\$Value * .06)$ ", to reflect the fact the party is going to have to pay the realtors' commission.

i. Where an asset is mixed or separate, I insert the total value as part of the descriptive label; e.g. "House - \$150,000", and insert only the marital value (e.g. \$50,000) in the numerical column.

j. I insert "Notes" liberally below the Equitable Distribution Spreadsheet.

4. There are five sheets to the workbook:

a. An intake Sheet that mimics my hard copy client divorce intake form. Many of the field do not need to be filled in, but they can be, especially if the spreadsheet is completed concurrent with the first meeting. I usually do not complete it then, allowing the client to fill in the WV Supreme Court's form first. They usually have to get account numbers, exact payoff balances, tax tickets, deeds of trust, notes, etc. to bring to our second meeting. It lasts @ two hours.

b. The equitable distribution spreadsheet, which is identical on its left side to the intake sheet. On the right is the client's proposal relative to distribution of debts and assets.

c. A THREE COLUMN budget. (BE SURE to stress that the numbers must be average monthly, NOT semi-monthly, biennial, or weekly!)

I stress the need for three columns. I am amazed most lawyers have not adopted this format. Often there is just one budget, which is essential evidence during the alimony phase of the trial.

1. My first column is the intact family's budget (prior to separation). Often, parties have been keeping their own pay, and paying bills separately, but I insist on a total. If the client's budget has a large sum left over each month, I ask "Where are all your savings?" And, if it falls short, I make sure it is consistent with the debt. \$30,000 of credit card debt usually means they have been living beyond their means for a long time. When I explain, "You have been spending \$500/mo. than you make for 5 years!" often they are surprised.

2. The second column is the client's "transitional budget", the one we use for temporary spousal support issues. Often they are staying with relatives, or the new boyfriend, so the budget is artificially low. The long term needs may be MUCH different.

3. The final column is the budget the person proposes as a divorced person, their projected need. It is key to the claims for permanent alimony.

All three columns are important.

d. Sheet 4 is The "Consolidated Financial Affidavit" sheet is the one I file to supplement the Supreme Court Financial Affidavit that we filed with the Petition or Answer. It does NOT have the proposed equitable distribution. Usually it is more detailed and accurate than the one we put together at the beginning.

e. Sheet five is a "Recapitulation Spreadsheet " This takes a little fine tuning each time, although today I have tried to make it workable for the average case. Our Judge, Hon. Robert Reed Sowa enjoys telling me my equitable distribution spreadsheet is "too complicated", almost as much as I like to point out that it is really quite simple. But, he is the judge and likes the one page summary, so I file it with the Equitable. Distribution spreadsheet as part of my pretrial memorandum.

If you are comfortable with Excel, this may work for you, but remember:

1.

Make valuation and label changes in the input form, the Intake sheet (#1). Enter values and formula in the four columns of the right side of the Equitable Distribution Spreadsheet (#2).

2.

The Budget Form (#4) requires the entry of monthly budget numbers.

3.

The Consolidated sheet(#3) should fill automatically as you do the input sheet (#1).

4. The Recap.(#4) will need to be checked carefully. Don't just print it w/o comparing numbers to the Equitable Distribution. Form (#2).

If family law turns out to be your thing, I hope this will at least give you some idea of the challenges in properly listing and valuing property and debt. And, bring your laptop to mediation and trial. It will allow you to control the conversation, and provide the court a complete revised sheet if necessary. And bring your thumb drive!

Regards,

Burt

This e-mail and any attachments is confidential and may contain privileged and confidential information. If you received this in error, please delete immediately. Copy or forward only with my express permission. Thanks.

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1. <http://hunterlawfirm.net/wp-content/uploads/2013/12/1111.SpreadsheetSnag.jpg>
2. <mailto:hunterjb@hunterlawfirm.net>
3. <mailto:rdionne@economicvaluationassociates.com>
4. <http://hunterlawfirm.net/wp-content/uploads/2013/12/1111.SpreadsheetSnag2.jpg>
5. <http://hunterlawfirm.net/wp-content/uploads/2013/12/1111.SpreadsheetSnag3.jpg>
6. <mailto:hunterjb@hunterlawfirm.net>
7. <http://burtonhunteresq.blogspot.com/>
8. <http://www.hunterlawfirm.net/>

A Report of the Book, "The Clockwork Universe: Isaac Newton, the Royal Society, and the Birth of the Modern World", by Edward Dolnick. (2013-12-01 22:46)

[1]



I am pleased to post this book report a client prepared of this wonderful short history of the British Royal Society, which is no less than a summary of Mankind's entry into the modern world of science.

My client's husband had been lead down a false path. As a result, he and she were talking about moving to a foreign country in order to be safe from future chaos in America.

As a condition of representing her, he had to agree to read three books. This is one of them. His first report on "Don't Believe Everything You Know" was perceptive and impassioned. I am proud to have edited the report below to my style, but the thoughts are his. It is a remarkable accomplishment to make such steps so quickly. I am very proud of him, for loving his wife enough to be willing to rethink his world view, and for sticking to what for some people would be a boring book.

The Clockwork Universe Book Report

(book by Edward Dolnick)

This is my summary of The Clockwork Universe. I submit it for those who may have lost their way or who have not yet begun to find it. A friend suggested this book to me at a time when I had begun to follow a path based upon unreliable information.

Dolnick sets the scene by explaining the ignorance and superstition that dominated the "civilized world" until the 16th century.

But, in the 1500's, our world began to change. Many of the beliefs that were held by the majority of people were being challenged by great discoveries found by great minds. By the mid 1600's, Newton, Galileo, Leibniz, Brahe, and Kepler (to name a few) were brilliant men who challenged the world they lived in with the scientific discoveries that made them famous: however, they were still greatly influenced by the method of thinking that held mankind captive during that time, and even today it has a great effect on many.

This book focuses on the foundation that these scientists' discoveries created on shaping the current world that we live in, but it also does a great job in showing the world which they were influenced by and the sometimes shocking, and hilarious, beliefs that gripped many minds of that era. They were members of a group known as the Royal Society. Most of their experiments were comical compared to today's standards.

Prior to this time, the beliefs the majority of people held were greatly influenced more by myth and imagination than fact. Even for these great scientists, doctors, and scholars, their beliefs, and the experiments that they performed, were outrageously "silly" compared to the knowledge that we have today.

The physicians' "remedies" were based on what we would consider witchcraft or sorcery instead of true medicine. One such remedy was presented by a Sir Digby.

It was referred to as weapon salve. Made from moss that grows on the unburied skulls of criminals, weapon salve is placed on the weapon that inflicted a wound rather than the wound on the victim itself, and it is believed that would help the wound heal. As ridiculous as this sounds, it made me realize that even today we still have a tendency of believing what can only be impossible. For example, last year my son was suffering from cutting teeth as an infant, and a coworker brought me a root of some kind to help. I asked her if he is supposed to chew on it or if I put the root in water for him to drink, but she said just attach the root to his shirt using a clothes-pin and it will help. As sceptical as I was at this, I tried it. Whether it helped or not I am not sure, but I can only use my imagination to determine what in the world the root would have (to put through the air) to help my son's teeth. At least it didn't hurt.

The Clockwork Universe has been a huge help to me in realizing many things. Most important is how the beliefs of the members of The Royal Society in Biblical prophecy impacted them.

Isaac Newton spent much of his life studying bible prophecy and trying to decipher biblical passages. The bible predicts the return of Christ at the end of the age.

Newton and others used a date in which great apostasy entered the church (in 400 a.d.) and added to this the biblical date range of 1260 years to get the year 1660. Although the world didn't end this year, great fear continued to grip people, especially as the year 1666 approached (note the 666 for the number of the antichrist).

The year 1665 came, and with it the great plague claiming tens of thousands of lives. When 1666 came, London burned out of control, forcing tens of thousands into homelessness.

I can see why they thought the world was ending, but now I realize that if we look down through history, with any given major world disaster (or even not), there have been calculations and predictions that the end will happen soon and Christ will return.

I have also noticed that the view people of that era had of God was extremely different than the view that we have of God today. They saw God, not as a loving and forgiving creator, but as a hard and condemning judge waiting for the opportunity to punish the souls of dead individuals in hell forever.

Although it is not specifically stated in this book, this view of God was forced upon the masses by the Catholic church so that they could convince people that the escape from "purgatory" was only by the giving of tithes and following the rules and traditions of the church. The doctrine of purgatory is actually not even found in the bible.

It was only after the revolution of Martin Luther that the "common people" even had the opportunity to read the bible for themselves. Before this, the scriptures were only read and interpreted (interpreted here meaning modified) by the leaders of the Catholic church. One Cardinal even stated long ago, "The scriptures are too complex for the common priests to understand, let alone regular men".

I recently read an article by a Catholic author that states the reason that the Catholic church kept the bible out of so many hands was that denominations would appear left and right due to disagreements in doctrine and that bible prophecy would be misinterpreted leading to fear and confusion. Their alternative was religious suppression.

All of this has caused me to re-evaluate many of my beliefs. Although I don't think the Bible should be kept from the common population, I am ashamed to see, and have been part of, the harm that can be caused by the superstitious interpretations of the Bible.

At I suspect others feel, I would rather have a view of a God who is loving and forgiving over one who is judgmental and condemning.

If God was loving and forgiving, and caring for us all, we would not need to worry about what our future will hold for us. So, if we believe in God, let's believe in one like that.

As a practical matter, since most of us are not brilliant scientists, all we need to learn is how to become a better person by ridding ourselves of fears which will cause harm to our loved ones.

The book continues to give many examples of not only the beliefs that these great minds had which hindered their progress towards the truth, but also how these beliefs led them to spend much time and resources looking in the wrong direction. For example, rather than trying to learn the exact orbits of the planets Kepler spent much time trying to figure out the “pattern” that God would have used to create these orbits. This caused him to present several models which were incorrect and a book which was incorrect as well, all the while making several great discoveries along the way. One would wonder what even greater discoveries these men would have made if they would have abandoned their pre-conceived beliefs and truly approached their goals with only scientific fact and knowledge. We can learn from this great example in our lives today and always approach situations in which we learn new things by using the scientific method and removing that which is myth, or not proven as true, from our minds.

For myself, I will live in the “here and now” and only believe that which is common knowledge and true. I still believe in God, but I will leave it at that. No bible interpretations and no prophecies are needed in our lives. In our age of technology and advancement, we have plenty of high-tech “toys” to enjoy which are not figments of our imaginations, but real and true marvels of the genius of men. We only need wait to see what tomorrow brings, for it will bring great advancements from the great minds of our age.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/07/Moon1.2.jpg>

10.2 November

A Small Town Lawyer Chatters on FB About His World. (2013-11-16 21:19)



Below is a thread of discussion on the critters around our homes and our town:

1.

I just read [2] Lawrence Kammer 's post about sipping his coffee and watching a pair of red foxes enter his yard. I am still sad that when we moved here ten years ago, I cleared the area next to our road, disturbing the red foxes' habitat.

2. As I mowed the heavy brush, she sat on the gravel, looking down at me with disapproval for 45 minutes. We were as close a 30' to each other at times.

3. I was careful ...not to mow any of her kits. I saw her one other time, but she moved on. Now it is coyotes howling.

4. This a.m. I saw a red glow building behind our house. Too subtle for a photograph but beautiful, and as I drove into town, it grew into a luminescent orange sky sunrise covering 1/3 of the sky.

5. Pleasant words with the Sheetz clerk. They are very nice ladies there.

6. As I parked in front of the office and left my car, I found a dime on the sidewalk.

7. I had a typical busy day, meeting new clients, proofing a brief to the WV Supreme Court of Appeals, and putting out fires.

8. Later, as I stopped by Rite Aid for some evening refreshment, the car next to me appeared to be a stuffed clown car, but pleasant smiles from within.

9. I encountered their emissary selecting beverages for their fun evening. I heard him on the cell phone discussing the various bouquets with the group in the car.

10. I left before he did. As I reached my car, the clown car's rear side window went down, and the young fellow said....."Nice tie man!"

11. I looked down and, sure enough, I had selected my "world map with Antarctica in the middle" and said so. He replied, "I know; cool! Have a nice evening."

12. I hope they did, and the foxes too.

Next Post

1. As I pondered the "clown car" of my new friends at Rite aid, it brought my thoughts to my post of last week regarding the CBS 60 Minutes show on the explosion of social security disability awards.

2. As these folks group together, one on SSI, the other on SSD, Grandma on social security, etc., in one residence it occurred to me that our social service network is not designed to help people become independent.

3. That would be "cruel and unfeeling". So would a food stamp program that required wholesome and healthful food. Our system fosters dependence and discourages people from getting off of the dependency cycle. Many of these group residences have one or more drug dependent members. It is all part of a cycle of our deteriorating society. We need our best minds and efforts to turn this trend around.

[3] **Carla G. Waldo** Yikes!

[4] 20 hours ago via [5] mobile · [6] Unlike · [7] 1

[8] **Burt Hunter** These particular people were winsome and kindly. And, they liked a old man's tie!

[9] 20 hours ago · [10] Like

[11] **William Lyons** I actually agree with you!

[12] 7 hours ago · [13] Unlike · [14] 1

[15] **Peter Kulberg** You state the problem well. Unfortunately the solution is the real issue.

With our current system of political dysfunction there is no spirit of cooperation to solve difficult issues like this. A good place to start would be tax reform that insured we were all taxed equally. Social issues at home should be more important than warfare abroad.

[16] 5 hours ago via [17] mobile · [18] Like

[19] **Burt Hunter** I think the question of foreign aid is another debate. Cynically, we help those who promote our national interests. A social network system that promotes dependency rather than self sufficiency causes us to mirror what we did to the American Indians. The only President I can remember who managed some meaningful welfare reform was Bill Clinton. He co-opted the Republicans so many times, turns out it was better for conservative values to have him there instead of the Republicans. If anyone should have learned those lessons, it should be Hillary. One amazing political power couple. (Yes, he is a hound dog too.)

[20] **Burt Hunter**

[21] 6 hours ago near [22] Buckhannon via [23] mobile

Ha!? Now I am being followed by a Bhuddist life coach on Twitter. Mindfulness and zest for life.

o

[24] Rebecca Bonner Ringer likes this.

[25] **David Powell** you have had some terrific posts lately - just getting better at your advanced age

[26] 2 hours ago · [27] Like

[28] **Burt Hunter** Thank you David. It is nice to know that some people read and get my thoughts. Some old interests have dropped away, and the meaning of it all and why people have so much trouble being happy and content are taking my attention. And to think that before too long the Irish Spring Festival will be welcoming the return to warmth.

1. http://hunterlawfirm.net/wp-content/uploads/2013/11/IMG_3308.jpg
2. https://www.facebook.com/larry.kammer?directed_target_id=0
3. <https://www.facebook.com/carla.g.waldo>
4. https://www.facebook.com/burt.hunter/posts/10152068240828217?comment_id=28945443&offset=0&total_comments=4
5. <https://www.facebook.com/mobile/>
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8. <https://www.facebook.com/burt.hunter>
9. https://www.facebook.com/burt.hunter/posts/10152068240828217?comment_id=28945457&offset=0&total_comments=4
10. <https://www.facebook.com/burt.hunter>
11. <https://www.facebook.com/wplyons>
12. https://www.facebook.com/burt.hunter/posts/10152068240828217?comment_id=28950020&offset=0&total_comments=4
13. <https://www.facebook.com/burt.hunter>
14. <https://www.facebook.com/browse/likes?id=10152069524468217>
15. <https://www.facebook.com/kulbergp>

16. https://www.facebook.com/burt.hunter/posts/10152068240828217?comment_id=28950963&offset=0&total_comments=4
17. <https://www.facebook.com/mobile/>
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20. https://www.facebook.com/burt.hunter?hc_location=timeline
21. <https://www.facebook.com/burt.hunter/posts/10152069652503217>
22. <https://www.facebook.com/pages/Buckhannon-West-Virginia/109543785738286?ref=stream>
23. <https://www.facebook.com/mobile/?v=6628568379>
24. <https://www.facebook.com/rebecca.b.ringer>
25. <https://www.facebook.com/david.powell13>
26. https://www.facebook.com/burt.hunter/posts/10152069652503217?comment_id=28953253&offset=0&total_comments=2
27. <https://www.facebook.com/burt.hunter>
28. <https://www.facebook.com/burt.hunter>

How is Buddha Relevant to the World of A Small Town Lawyer? (2013-11-12 22:41)

[1]



A view of our natural world, from our deck, 11-11-2013

For any of my readers who prefer something more immediately useful, I suggest that you use the search feature of my blog. Enter terms like, custody, insurance, self-represent, divorce 101, legal checklist, personal injury, or mediation, or just scroll through the titles.

Today, for a few of you, I address some thoughts that have come together for me. They include:

1. The tragic typhoon in The Philippines;

2. The tsunamis in the Indian Ocean in 2004 and Japan in 2011;

3. The risk of a catastrophic asteroid hitting the earth;

4. The question of climate change, which is real whether caused by Mankind or not;

5. Human suffering;

6. Buddhism;

7. The delicate balance of life;

8. Sarah Palin's "War for Christmas".

We tend to think the place we live is the "normal" place. On most days, Buckhannon seems to be the prototype for safety and normality. So did Newtown Ct. to its citizens, or the families at that small Pa. Amish school, or the fans at the Aurora movie theater.

My friend and high school classmate Larry Kammer guided me to a couple of books on secular Buddhism a couple of years ago by Stephen Batchelor, "Buddhism Without Beliefs" and "Confession of a Buddhist Atheist".

It is not that I strongly disagreed with Mr. Batchelor, but when I realized that his views would lead me to a point where I needed to follow these teachings in a prescribed way, I put the books down.

But, last evening my dear wife Nancy was kind enough to watch with me a documentary from Amazon Prime, a PBS two hour "Life of Buddha". It started with the traditional story, supernatural trappings and all. I started to turn it off, but most of the show dealt with the traditional facts, oral history, and early texts. I decided to leave it on.

The "facts" of Buddha's life have much more detail and are more interesting, than Jesus' arriving under a star, staying at a cheap motel, and being the son of a carpenter.

Buddha was said to be a son of a prince, and his queen, who lived 500 years before Jesus. He was pampered and sheltered from hardship and ugliness. When he was around 30, he got out of the palace and drove around. He learned from his driver that the grey haired wrinkled man on the edge of the road was normal, and that we all age and die.

Later, he encounters a starving person, a diseased person, etc. He learned these were conditions common to human beings.

Having lived a lusty, promiscuous, life, he marries, and that relationship is also X-rated. Sensing there is something more to life, he simply walks out on his pampered wife and their child. Not exactly father of the year material. But, why do people not criticize Jesus for telling his followers to walk away from family and responsibilities? I don't agree with either of those guys. Everyone loves a good road trip, hanging with our friends, sucking down some wine, pondering the mysteries of the universe, and leaving the stress and responsibilities at home, but I digress.

After six years of fasting, meditating, practicing yoga, and being devout in every way, and nearly starving to death as an "ascetic", he experienced Nirvana (not the music group).

He abandoned reincarnation, decided he did not have thousands of past lives, decided he had never been an elephant, a monkey, or a snake. He realized he must focus on the here and now.

He decided that starving himself into a trance, having hallucinations, and believing in an endless, recycling, "hereafters" were the wrong way.

In Dharma, he came up with four principles. The "bottom line" that I came up with was, stripped of the subsequent supernatural trimmings that all religions seem to take on to scare or motivate its supplicants, is that he decided that life is simply life, and our existence is the present as we live it, nothing more or less.

It seems to me that is what "The Great Heretic", Baruch Spinoza (the philosopher's philosopher), figured out, and Newton, Einstein, Carl Sagan, and Oliver Wendell Holmes Junior. These are all thinkers I admire and agree with. I do not know why their view do not predominate.

Once that Buddha achieved Nirvana, tradition says he found his old ascetic friends and converted them as the first Buddhist monks. He preached moderation, a middle ground, which has been a theme of mine lately. He was not against eating, drinking, sex, or meditation.

I think Buddha's main failing (I say "he" although this line of thinking spread through several of the religions and traditions of the time) is his decision to teach it as a religion and expect others to follow what he figured out instead of making that journey themselves.

He accepted the premise that all the organized religions do. People just are not smart enough. There is no way we can educate enough critical thinkers to let them study the world and figure it out for themselves. I think that it may take genetic science, revolutionary thinking, and huge technological progress, but I think our goal should NOT be to let one inspired guru, even Joel Osteen or L. Ron Hubbard, give us all the answers. Answers are to be found in all sorts of places.

Of course, not many people are going to go into the wilderness for 7-10 years and sink near to death to figure it out.

As for the items listed in 1-8 above, our lives,

and our world, can be gone in an instant, or minutes, or over a few decades. When a disaster hits now, we cannot be ready. We have too many people per square mile. We have no survival skills. Our iPhones will not work. Our houses are not designed for us to live without the essential utilities. This is probably one category where WV is not near the bottom.

So, the more of us there are, the more resources we use, the more technology we depend on, the greater the risk of disaster. If we existed on 100 planets and moons, we would have more eggs in more baskets.

We should pray for our space program and for mankind's future.

This week-end, traffic in front of us stopped. We did too. No problem. Next thing I know, a one ton pick-up hauling horses came to a screeching stop, next to us, in the left hand lane, across the double line. Had a car been coming at him, his choice would have been to take us out (2500 lb. Subaru WRX), probably killing Duffy, and ruining our backs. In one instant, our lives would change.

So, I am with the Buddha that PBS portrayed. Nirvana is realizing the natural world is a marvel, our family and friends are to be treasured and appreciated while we have them, that suffering is inevitable, that change is too.

I agree that our best option is to appreciate every single good moment, and to tolerate the not so good and study it, as an absolutely normal and inevitable stage of our existence.

Of course this view cannot be accepted in most of the churches in America. And, in some churches, they agree with Sarah that the Christian Right gets to dictate how we celebrate Christmas, and what terms we use. I want my church to become more tolerant, less superstitious, more open to science and modern thought, and more inclusive. Sarah deserves to be ignored. She is irrelevant.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/11/1111Photo1.jpg>

10.3 October

If I Could Know Only Ten Things About My Family Law Case, What Would They Be?
(2013-10-24 21:18)



[1]

[2]

If I Could Know Only Ten Critical Things About My Family Law Case,

[3]

What Would They Be?

1. You probably have a much better understanding of what you are facing in family court than if you had a serious injury claim because your friends may have been through it and you have the WV Supreme Court's "do it yourself package, ***but this can lead to over-confidence.***

2. There are huge pitfalls in divorce and custody matters as I point out in my blog articles:

[4] <http://hunterlawfirm.net/?p=237>

[5] <http://hunterlawfirm.net/?p=390>

[6] <http://hunterlawfirm.net/?p=389>

3. Your case will be governed by:

- a. The Family Court Rules;
- b. The WV Rules of Civil Procedure;
- c. The WV Rules of Evidence;
- d. The WV Rules of Appellate Procedure;
- f. WV Statutes;
- g. WV Case Law; and
- h. The quirks and traits of your Family Court Judge.

(Unless you are very determined, you know none of these things!)

4. The right lawyer can provide you an invaluable consultation and guide you to these and other important resources for as little as \$500. Just a few things you might not know:

- a. There is no such thing as "custody" or "visitation" any more;
- b. The person who buys a particular item during the marriage, or has it titled solely in her name, still has only a 50 % ownership, and it usually doesn't matter in whose name the property is titled;

c. "My retirement" is not just "my" retirement. It is yours equally, and; d. There are very limited conditions where a Grandparent can seek custodial rights for a grandchild.

5. The lawyer who demands the "big retainer" of \$6000- \$12,000 may not be right for you! I will tailor the retainer to the percentage of likelihood that the case will, or will not, go to trial. Thus, we can offer equal or better services (we think better) for \$1500- \$5000 up front retainers. Think of the fellow sitting on that \$12,000 pile of cash. Where is the motivation for efficiency and prompt resolution? There is at least an appearance that he might be tempted for make sure several thousand dollars of services are performed before serious settlement efforts are begun. **We gladly make partial refunds of retainers, knowing we have another satisfied customer!**

6. What you do not know about mediation and settlement techniques can fill dozens of books. With a good lawyer, 90 % of cases settle before a trial. Without one? What do you think? And what happens, as in most divorces, when one party has a power advantage?

7. Setting aside the fact that you do not know how to question witnesses, prepare exhibits, or get them admitted into evidence, or make appropriate objections to the other side's evidence, **there are critical techniques you need to organize the facts in your case.** I write about that in:

[7] <http://hunterlawfirm.net/?p=381>

[8] <http://hunterlawfirm.net/?p=279>

8. If you do not get what you want at the trial level, you will have a "double whammy" in that you do not know how to appeal a case, and you probably already screwed up the record by not knowing what to present at trial.

9. Agreeing to one too many, or too few, overnight visits a month in an agreed parenting plan can cost you thousands of dollars in child support and even prevent, or allow, a parent to move with the child to another state. Think about that!

10. If you call a lawyer, you are still in control. I never hesitate to give a "free consultation" over the phone. Options exist to pay a consultation fee, or you I will give you a firm retainer quote after 15-20 minutes. **After hiring the lawyer, you still make the decisions,** after getting my advice of course. I have 41 years' experience, and at least 50,000 hours of family law work, available to help you protect your children and your rights. jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2013/10/TripHomePerfectDay2.jpg>
2. <http://hunterlawfirm.net/?p=230>
3. <http://hunterlawfirm.net/?p=230>
4. <http://hunterlawfirm.net/?p=237>
5. <http://hunterlawfirm.net/?p=390>
6. <http://hunterlawfirm.net/?p=389>
7. <http://hunterlawfirm.net/?p=381>
8. <http://hunterlawfirm.net/?p=279>

If I Could Know Only Ten Critical Things About My Serious Injury Claim, What Would They Be? (2013-10-04 21:33)



This is as simple as I can make it.

Unless you or someone very close to you has been through a serious injury, claim, and suit, what you think you know is not accurate. Preconceptions are killers.

2.

The percentage of really good personal injury lawyers is the same as dog catchers, @ 10 %.

3.

A good injury lawyer is not an ambulance chaser. He or she cares about you and your family, but he isn't "Mother Theresa". He cares about getting ahead and making a living too.

4.

The entire system is based on the question of whether a person or company violated a duty (is "at fault") and seriously injured you or yours.

5.

The key to the system is INSURANCE which almost no one understands.

6.

Coverage in your own insurance policy, uninsured coverage, underinsured, a personal umbrella, or your medical plan, may make the difference between security and financial ruin.

7.

Good lawyers avoid trials, but they have three key skills;

a.

Ability to create a system for gathering information, and thus, a well trained, efficient, staff and modern office;

b.

Negotiating ability;

c.

The ability to try your case if it does not settle.

8.

Different injuries may require different attorneys. Auto accidents, truck collisions, industrial disasters, product liability, falls on commercial property, insurance bad faith, and medical or legal malpractice have different ground rules. It is best to find someone who knows the difference and can bring in other attorneys or experts if needed.

9.

The lawyer with the catchiest, or funniest, television ad may NOT be the lawyer most respected by his peers.

10.

You can learn about the lawyer who authored this little post at

[2] www.burtonhunteresq.blogspot.com

, [3] www.hunterlawfirm.net

, or under the name "J. Burton Hunter III" on Facebook, Twitter, Linked In, or Google Maps, and if you e-mail him at [4]hunterjb@hunterlawfirm.net and ask politely, he will send you a PDF file of his 275 page book.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/10/CarollaBeachBurt1.jpg>

2. <http://hunterlawfirm.net/>

3. <http://www.hunterlawfirm.net/>

4. <mailto:hunterjb@hunterlawfirm.net>

Amazon Comes to My Client's Rescue - Don't Believe Everything You Think, by Thomas Kida (2013-10-02 20:50)

I am pleased that someone was kind enough to ghost write this blog article for me. It is by the spouse of a client. The client was facing a petition for transfer of custody because of some rather "whacky" views his wife was espousing. Confidentiality prevents my providing any details, but this is posted with express permission of its author. The spouse is not crazy, and is college educated, but that is not a substitute for critical thinking. The person encountered the typical apocalyptic predictions we hear from Glen Beck or the commercials on satellite radio, so began to research these predictions on the Internet. Before you begin such a journey, I suggest you read this review, and this book, and tie a big rope around your waist. The Internet is not a safe place for the naïve . I have posted this book report as a review on Amazon.com.

I am also pleased to post an example of how my reading outside my profession has helped me help a client. Critical thinking and debunking of supernatural and unscientific views is a theme in my writing. I have a loose affiliation with the Church of the Spaghetti Monster and a huge dose of skepticism of anything that is too good or too bad to be true. I have assigned three books to my client's spouse and requested a book report. I posted the three books to my professional Facebook Page a few weeks ago. Here is my client's mate's report; pretty good if I do say so:

Book Report by (My client's spouse)

Don't Believe Everything You Think

By Thomas Kida

This book is about how we make many mistakes in our thought processes and how we have a tendency to lean toward believing what is false rather than what is true, stories rather than statistics, and try and confirm our own preconceived ideas rather than be open-minded and learn the truth about certain topics.

Chapter 1 is about weird beliefs and not thinking scientifically. It shows many examples on how people have chosen to believe "mystical" or "supernatural" things instead of seeking the truth and analyzing things through scientific method prior to belief and/or action. This type of belief system is called Pseudoscientific thinking and is a common mistake for many, if not most, people including myself.

Chapter 2 is about being skeptical to extraordinary claims and examining the evidence thoroughly before coming to a conclusion and especially before acting upon the conclusion. We must consider several hypothesis to each claim and determine the best and most probably (and realistic) hypothesis before believing.

Chapter 3 helps you to learn how to think like a scientist.

A claim or a belief must be tested by gathering all the evidence and confirmed only through successive and very controlled tests, preferably with different subjects and conditions and the results should lead to the same conclusions based on facts and recorded events.

Chapter 4 is about how chance and coincidence play a large role in daily events and interactions. It helps to show how we have a tendency to put a reason on everything that we see happen and also how we try and put a pattern to things, which can lead to trying to predict the future (such as future wars and disasters, stocks, sports, etc.). This can lead to believing in many superstitious things.

Chapter 5 is about seeing things that aren't there, which means that instead of accepting linked events similar only by chance and coincidence, we look for a greater meaning or force behind the events and try and rationalize the meaning to why this has happened or is happening. Thinking this way can lead to hallucinations and even mass hysteria and has before in the past. This leads people to take action on beliefs that are completely false and self-realized.

Chapter 6 continues examining the thought patterns that lead us to look for underlying causes to events and ignore the coincidences that happen, but expands to show how

this pattern of thinking leads us to train ourselves to make connections that are imagined. We must look at the statistics with these such beliefs and the true events that can be linked together to see how our thought patterns can lead us to imagine these connections and how random chance calculations can attest for most if not all of these occurrences.

Chapter 7 is about how we try and predict the future, not only by looking into bible prophecy and predictions from people such as Nostradamus, but also in regards to things such as the economy, the stock market, and the environment. Bible prophecy and predictions are so vague that it is easy to make many things "fit" into their predictions. This is why we have a tendency to learn from the "experts" regarding these prophecies and predictions and yet each one teaches a different outcome of the same prophecies than the others do.

Chapter 8 helps to explain how we seek to confirm our pre-conceived ideas, or what we already believe. Rather than look at facts with an open mind, we have a tendency to look at what confirms our beliefs and ignore the things that don't, yet claiming to have an open mind willing to accept any and all conclusions. We must truly look at the facts and statistics with a logical and rational mind and come to the conclusion that is based upon only these facts and not what our pre-conceived ideas and belief systems lead us to.

Chapter 9 helps to show how we also simplify our thinking so that we ignore many facts and events that would normally lead us to the correct conclusions given a situation. This way of thinking can also lead us to jump to conclusions too early and also to stereotype others. To come to the best conclusions, besides testing claims and theories scientifically, we must take our time and collect as much data as we can, not over-simplifying complex decisions.

Chapter 10 is about framing problems and solutions based on the way we perceive the problem. If we view things a certain way we could make a completely different decision than if we viewed them another way. One of the big factors that affects the way we frame decisions is the way that the data is presented to us. This is why it is important to look at problems and facts with an open mind from different points of view (or no point of view if possible) before coming to decisions.

Chapter 11 explains how we have faulty memories, and even though many people believe that all your past memories are still in your brain somewhere and can be retrieved through hypnosis, it is true that we actually lose memories and forget things entirely especially as we age. The brain can be compared to a computer hard-drive in which as it fills up, it needs to erase or dump memory storage to allow new and recent memories and data to be stored. As we try and remember past events, our minds can alter what really happened as it reconstructs the events so that what is remembered is not what really happened. We can even create fictitious memories based on mental suggestions from external sources.

Chapter 12 is about the influence of authority figures and how we have a tendency to believe what the higher percentage of experts believe. Our beliefs and actions can be significantly influenced by experts and authority figures. We tend to be more reliable and consistent when we are accountable to authority figures such as our bosses at work. Evidence that is received from others isn't very reliable unless we can verify the evidence as true for ourselves.

This book has 6 main points:

1)

We prefer stories to statistics

2)

We seek to confirm, not to question, our ideas (or beliefs)

3)

We rarely appreciate the role of chance and coincidence in shaping events

4)

We sometimes misperceive the world around us

5)

We tend to oversimplify our thinking

6)

We have faulty memories

This book has helped me to become much more critical and analytical in my thinking and in choosing what to believe as true. The errors that I made in the past were to stop thinking critically and to believe what was interesting to me as fact rather than to seek the truth for myself. This caused fear and concern for the future to grip me in a way that I was willing to make poor decisions that were based on faulty information, and in doing so I have caused our family harm by putting them through this (unnecessary worry, ed.) Learning the techniques from this book and also going to counseling is helping me to break free of these beliefs and fears and to focus on being a good (spouse and parent, ed.) and concentrating on the present time. These things are helping me to learn not to fear for the safety of our family, but to treat them with the love and respect that would give them a sense of safety and well-being.

10.4 September

Post Script for Lynda.com and Evernote: 09-30-2013 (2013-09-30 19:53)

I spent several more hours with [1]www.Lynda.com and my Evernote training and can report the following:

1. Getting access to the forms and materials used in the training is an extra \$12.50 per month. I found I could view the training on my iPad and go to the Microsoft Version of Evernote on my laptop. I didn't find a need for the materials, so I suggest just start with one month for \$25 and decide later if you need the materials.
2. I spent an hour or more scrolling through the available courses and now have a "play list" of 30 titles, such as, Digital Photography, Editing Video, Using YouTube, Using Linked In, Using Facebook, Learning Word 2010, Social Media Marketing, Using Excel, Using Access, Using Powerpoint, and many more. Compare the price to any book, videos, webinar, or CLE (continuing legal education) seminar, and \$25, or even \$37.50, /month is one great deal.
3. I have learned how to create notes from e-mails, PDF Files, text files, audio clips, video files, and photographs, and how to sort, organize, and tag them.
4. I learned that I can save these items by sending them to the Evernote default notebook folder using my Evernote e-mail address. From there you can scroll through viewable thumbnails, and save the documents to the appropriate notebooks.

5. The premium (\$5/mo. or more) version of Evernote has searchable documents. For example, if you have a photo of an old barn with "Mail Pouch" on the side, your search for "mail" should recover it. That's pretty neat!

6. Your Fujitsu Scansnap Scanner knows how to send scanned photos and documents and graphics to the Evernote e-mail address, or to Dropbox or directly to Evernote. That makes it an even more valuable tool. Another step towards the paperless office.

7. Some day this will be second nature, like a telephone, vacuum cleaner or fax, but for right now, this stuff is still "Gee Whiz"!

1. <http://www.lynda.com/>

Internet Learning Opportunities - Evernote and Lynda.com (2013-09-27 21:39)



[1]

The term "mind boggling" comes to mind as I work my way through another "working vacation". Yes, strange as it sounds, Nancy and I have been finding 4-6 days a year just to go to a beach somewhere. The compromise is that I work from @ 10:00 a.m to 5:00 p.m. on some project of potential long term benefit to our practice or our life.

Wednesday I was able to spend several hours updating my blog, Perspectives of a Small Town Lawyer, [2]www.burtonhunteresq.blogspot.com , on some matters that have been bugging me, and to catch up on personal correspondence.

I tend to post to FaceBook when I am on the computer, to the extent that my "Jiminy Cricket", Ed Poor, cautioned me to back off a bit. I ignore him at my peril. Now Nancy advises this is "my time"; so ok Ed and Nancy, I won't even proof this!

I was determined to become reasonably acquainted with a research tool called Evernote, and to compare it with Microsoft's OneNote. They appear to be quite similar, but Evernote works across platforms, so I can access my notes and content via my laptop, desktop, iPad and iPhone. So, that's the one I worked on.



I had located a wonderful resource, hundreds of course and thousands of "movies" at a site called [4]www.Lynda.com. The introduction is a video of the actual Lynda explaining how she has set up a site with courses taught by knowledgeable people on an incredible array of software applications.

I got sucked in with the free offerings, but that is only about 10 %. I ended up signing up for \$37/month for the "premium" version. But, that includes access to the course materials, exhibits, and documents.

Yesterday I took a webinar on the iPad from a CLE publisher, paying \$99, or three months of Lynda.com. I had to start and stop when the webinar was scheduled. The live feed had technical glitches, as did the speaker, who was a last minute replacement because the scheduled presenter was doing final argument in the Michael Jackson wrongful death trial. Bottom line, I will never again pay \$100 to hear someone talk and show slides for an hour. That technology is outmoded before it really got started.

With the Lynda videos, I listen for 5-10 minutes. If I lose focus because I have gone to a site they referenced, or tried a feature of the program they were teaching, I just repeat that segment. I have already learned a great deal.

I also learned I need the "premium" version of Evernote in order to have enough space in "the cloud" and to access it from all my devices. That is \$5/month. And, I had to make sure the newest Evernote is on each device.

So, why go to the trouble. My "take" is that if you want to stay organized, manage the information that is so readily available now, and increase productivity, you should go beyond the file structure of Windows or the surface features of the iProducts. Evernote is a tool to help me fight against my tendency to lose focus.

Some people are using the new Google Office products. Others do most of their organizing with DropBox. I see DropBox as something different and complimentary to Evernote. Don't assume that I have mastered it yet. I have just scratched the surface, but I wanted to share what I have learned so far.



[5]

1. http://hunterlawfirm.net/wp-content/uploads/2013/09/2013_08_15_16_29_58_0001.jpg
2. <http://www.burtonhunteresq.blogspot.com/>
3. <http://hunterlawfirm.net/wp-content/uploads/2013/09/Lynda.png>
4. <http://www.lynda.com/>
5. <http://hunterlawfirm.net/wp-content/uploads/2013/09/GullWavesCropped.jpg>

A Small Town Lawyer's Opinion on Keeping One's Views to One's Self. (2013-09-25 20:14)



[1]

I am at the beach with my wife, for a working vacation, so those are the photos I place here.

My well-intentioned lawyer friends, and a few "marketing types" have told me, "For gosh sakes, do not talk politics or religion on your blog. You will lose clients."



No, he will never be cast as the lead in True Grit.

My response is this: if you were in a dark alley or one the battlefield, and under attack, and needed me, would you care more about:

1. My politics;

2. My religion: or

3. My ability to kick your attacker's ass?

I love both versions of True Grit, John Wayne's and Jeff Bridges'. And, I am stunned to have my friend Siri tell me that there is another version, 1978, starring Warren Oates. That one can't be as good, because I never perceived Oates as having true grit, but I digress. I know nothing of Mr. Oates, and will check him out on Amazon Prime streaming video.

The interaction between the feisty, religious, 14 year old girl, seeking to avenge the death of her father, and one eyed Rooster Cogburn is fabulous. She saw something in him which she adjudged to be "true grit", and she wasn't wrong.



[3]

Someone like this, of course. Nicest gal I know.

I want the kind of client who is like that girl: fundamentally decent, desiring to have justice done, and willing to trust a grizzled, flawed, but decent and accomplished, lawyer to guide her or him through the maze.

If that is not what you want, HIRE THE OTHER GUY! Only hire me if your child is worth more to you than you are. If you are not yet that type of person, I will likely accept your money or your case, but we will have tension.

And do not hire me if my politics, religion, or philosophy has to be the same as yours. Mine is not the same as anybody else's. I not running for office; I am working to protect your interests and your family's and to get a good result.

Assuming you are not perfect, if you follow my advice, we will still get you through it.

It is the same for serious injury claims. It is easier to represent the truly deserving person than the one who won't cooperate or who gets "dollar signs" in his eyes. I recall the cashier at the Wal Mart cash register who called me to warn me my client was bragging about the "big bucks" I was going to get her. This was pre-Internet. **Now such brags are "on steroids".**

What do I do with the abusers and the fakes? If they cannot and will not follow my advice, I withdraw and let them search for someone closer to their own values.

Not surprisingly, I am more the guy that the person who perceives herself to be disadvantaged likes to hire. There are others that the more nasty and abusive people tend to hire.....hmmm? I wonder why?

I started to make a 10 line post on my personal Facebook page. But, I am here, listening to the surf, while my wife is shopping and exploring, and my post turned into an article. **Here it is:**

I have been pleased to stay away from politics on Facebook lately, especially anything that tweaks the pro-gun fanatics, but I am on vacation and I am hearing the name of **Senator Ted Cruz**, over, and over, and over during our ten hour drive yesterday.

Watching him on the news last night, I reminded myself, "You can't judge a book by the cover.", but the truth is, from listening to him and observing him, I know that I could not stand even five minutes with the guy. **He would totally creep me out**, and I promise you he would not like me.

It is clear to me his 21 hour rant is his first audition for America's top job. The thought that someone so radical, so self serving, and so disingenuous would do anything in public service led to another thought.....Anthony Wiener! It is clear to me this guy is a wiener too.

The Affordable Care Act is probably beyond what 99 % of all of us laymen can follow, so my thoughts are fairly simple.

Here they are:

1. I took a lot of flack on FB for supporting John McCain (and his pretty side kick??!!) I assured my critics she would "come around". Ouch! No one is right all the time!

2. I warned my FB Friends that Obama was inexperienced, way too liberal, and naïve on foreign policy.

3. I was pretty much right on.

4. But, his decisions re: Afghanistan were measured and moderate. Reference: Bob Woodward's "*Obama's War*"

5. He wound up our fiasco in Iraq, but followed Fareed Zacaria's advice to do so by following Patraes' and Bush's corrected and improved path.

6. He kept his word and passed health reform. That's why he was elected, right?

7. His wife is arguably the best First Lady ever, and I like them all (First ladies that is). We all know that with her size and build she could be big as a house, but she knows about nutrition and fitness and practices what she preaches. She is addressing a horrific problem in America and making some progress. **She absorbs vicious and scathing attacks** from the processed food advocates.

8. "The Prez" and his wife appear to be faithful to one another. They endure constant racially biased jibes and insults with dignity. Doubt that one? Come get your hair cut in my barber shop.

9. Their children aren't getting in trouble.

10. He doesn't have a whacky Mom or brother diverting our attention. (No, Bush doesn't have a whacky Mom or siblings. His Mom speaks what is on her mind. I like that. And I like his Dad, and I like his style as a former President. Even like his moderate brother.)

11. My Israeli friends don't trust Obama or like him very much, but I **HOPE** that he, Secretary of State Kerry (who I disliked a lot when he ran against Bush), and the Clintons are doing some great things internationally, some of it blessedly behind the scenes. (And, yes, I figure Bill is still a Hound Dog, but a friendly one.)

12. Bill Clinton's foundation has been doing great things.

13. Bush's programs for AIDS prevention is doing great things worldwide.

14. Bill Gates and other billionaires are actually helping the world, and our country, out of their pockets.

(What?..... " Get to the Point!" Ok. Did I mention I am writing this while on vacation? Sorry.)

15. The world seems to be growing in its respect for us.

16. For an instant in time, Putin, Assad, Iran, and countries in the Middle East have taken a pause and are giving some thought of making some deals. (It will blow up, but at least there is a potentially pregnant moment.) I have offered to mediate for a fair fee.

17. Yes, Obama's foreign policy in the last several months has been muddled and mushy, but it seems those people over there are a bit crazy. I suggest that you read "From Beirut to Jerusalem" by Thomas Friedman if you want to get a sense of why these people hate each other and us so much and kill so often.

18. Don't call me "Rand Paul", but I, for one, do not want to help fundamentalist Muslims gain power anywhere. Remember the "moderates" are the Muslim Brotherhood. They believe what they believe, at least as strongly as our fundamentalist Christian right. It is hard for a strong "natural law" thinker to respect the views of other since he/she has "The Holy Grail".

19. But the Muslims appear to be much more willing than the Christians to kill people for not agreeing with them.

20. As I said, Obama passed the healthcare bill that he said he would. The American people elected him to do just that. He was the WINNER!

21. The Republicans fought it like crazy. They lost. Their efforts not to fund it, and their refusal to work pragmatically to fix its flaws are major reasons that I am now an independent. **The Republicans owe the American people and our system of government more respect. Congress must fund the programs it creates.**

22. I represent people who often do not have insurance. We live in a poor, rural, mountainous state. **I drove through those mountains yesterday. They are a special place,** but not a place where it is easy to find a job and make a living.

23. Their kids have a Medicaid or C.H.I.P. medical card, but they make \$9- \$12 an hour and have NONE for themselves.

24. The poor slob who is hit by a drunk or inattentive driver who has no insurance gets emergency room treatment; then no one want to help her.

25. When the treatment should be \$20,000 worth but is only five, it is nearly impossible to prove their case. All personal injury lawyer and insurance adjusters know **"Damages are tied to 'specials' "**. Specials are medical bills, expenses, and lost wages.

26. They cannot afford the risk of trial. So, they settle.

27. The divorcing Mother has to put my retainer on a credit card, so she sure cannot afford medical care for herself when she needs it. In WV, a disabled parent, by default, loses custody to an able, fit, parent.

28. My seriously ill, and currently disabled, lawyer friend has spent many, many, months in the hospital and survives because his wife is a teacher. What if he had no insurance?

27. Sole practitioner lawyers pay every penny of the premium for himself, family, and staff, for their medical insurance and his disability and extended care insurance. His "insurance" is his own good health. **If he loses that, he may lose everything.**

28. Maybe that's why I had my "end of the world dream" last night.

29. I think it is time for a prayer that our country does not want to "take a Cruz" any time soon.



[4]

Gazing into the future?

1. <http://hunterlawfirm.net/wp-content/uploads/2013/09/BeachPano1.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2013/09/CarollaBeachBurt1.jpg>
3. <http://hunterlawfirm.net/wp-content/uploads/2013/09/NancyCorrolaBeach1.jpg>
4. <http://hunterlawfirm.net/wp-content/uploads/2013/09/NancyBeachWithAView.jpg>

On the Hilarity of Escaping Pets (2013-09-20 12:39)

I have a blog article in mind for later today, but I just posted this to my FB page and thought I would share.

[1] ✕

[2]Burt Hunter

Strange; I am acting like it is a lazy Friday, but I have appointments, and a trial this afternoon, but I wanted to mention - ABC news got a kick out of videos of dogs trying to escape confinement. There were lots of yucks. One person opined that one of the dogs could have strangled. Another said the video showed her she is going to drug her dog. (Ha ha!). I think maybe I have learned something that many people do not understand. The dog or cat you have is not like that fox, wolf, coyote, or wildcat you may see. The ancestors of our pets were the ones who hung close to the campfire, had an affinity for people and somehow survived being around them. Selective breeding over tens of thousands, maybe much longer, caused the animals to "evolve" into another creature entirely. They need us, are not comfortable when they are without us, and may even show us more love and affection than they do to each other. I post Duffy and Buddy and Little Man and Kitty, and our children's animals, because each time they have done something that gave me pleasure or happiness. So, it is very difficult for them to be left alone all day. For those of us who have ways to break up the day or bring them with us to work, if you can, I think you will have a happier, better adjusted pet. I am so lucky to have a wife who shares my affection for our animals and is willing to track down and destroy those pesky smells and stains that mysteriously appear.

1. <https://www.facebook.com/burt.hunter>

2. https://www.facebook.com/burt.hunter?hc_location=stream

The Lack of Privacy in the Modern Age (2013-09-16 20:20)

What a busy late summer it has been. With luck, next week we will get to a "working vacation" where I can give some thought to a really substantive blog article.

In the meantime, some thoughts on social media, the Internet, and technology:

1.

Our minister preached on “worshipping idols”, and named the iPad “our gadgets and gizmos” as prime culprits in our distraction from God and our gifts to the church.

2.

It is a common view but utterly lacking of any recognition of the power of these “gadgets and gizmos”, with greater computing and communicating power than could be had by all the Kings and Queens that ever lived until recently.

3.

It did not distinguish the power for good and accomplishment these devices have from the harm and hate they can spread.

4.

My crack assistant Letetia gave me a quick example of the uses and vulnerability that our “toys” can produce:

a.

We have been unable to locate a defendant driver in a serious auto accident case;

b.

The lawyer for the man’s employer, knowing his address full well, decided to give us some grief by filing a motion to dismiss.

c.

The “rule” is that personal service of the complaint must be accomplished within 120 days, and we were 60 days into the 120 days.

d.

Letetia had searched for the fellow's full name, but just could not find him.

e.

Finally, she found the announcement in nearby newspaper of the birth of his child, but no address, and nothing else under his "full name".

f.

But, she also found his wife's name and his Mother's. Both of them had public FB accounts!

g.

Thus, she found out his nickname,; let's say, "Gus" (not the real name.)

h.

She searched for "Gus (Last name) in Facebook. He too had a public Facebook.

i.

She searched his Mom's name and discovered her mother, his grandmother.

j.

Then she discovered that Grandma, who lives out of state, owns a home in WV (nearby county.)

k.

Comparing records, it became apparent that "Gus" and his wife and children live in Grandma's house!

l.

The Sheriff is on the way to serve him!

m.

We now know what he looks like, who his family is, his hobbies and interests, and whether he is still working for the same employer, and we really have not begun to study his FB profile.

5.

We mean this fellow no harm. His employer is self-employed and liability insurance coverage is essentially unlimited

6.

But, it gives one pause. What of those who do mean harm? What a tool they have.

7.

This is a fascinating, complex, and troubling subject.

8.

It is much too complex for either a knee jerk rejection or acceptance of the changes that are upon us.

9.

I see no sign that our church, community, or country are ready for these changes. Maybe none of us are.

10.5 August

Why Should My Lawyer Know Technology (2013-08-30 21:01)



[1]

I have written on the need for lawyers (and clients) to use technology, I hesitated to write this, but perhaps a summary will help you choose a competent lawyer:

1. A lawyer who brags of his or her ignorance of technology is rationalizing and justifying not putting forth the effort;

2. Can one imagine a lawyer, or his staff, not using a word processor or fax machine? Of course not.

3. Faxes are almost gone. Think scanned images, digital faxes, and e-mail.

4. 80 % of my serious correspondence is now numbered, concise paragraphs in an **e-mail**.

5. Think about it:

a. The client calls or write with a question;

b. The paralegal forwards to the lawyer;

c. The lawyer writes his response/suggestion;

d. He copies the client, the opposing lawyer, his paralegal, the scheduling clerk, and his billing clerk.

e. Or he may ask the paralegal to scan and send a document, or call the client, or draft a letter, or even make coffee.

f. A few minutes later, the client or opposing lawyer responds. That message is forwarded to interested persons.

g. Within the hour the challenge is solved. We do that several dozen times a week! Perhaps the client's week-end with his daughter is saved, a change has been negotiated, a subrogation claim taken care of, or a real estate transaction concluded.

6.. The lawyer with DropBox, iCloud , Google's Cloud Service, Evernote, etc., can carry your file to trial in his iPad or laptop.

7. The lawyer with World Docs or Carbonite can have his entire office on his laptop or iPad.

8. The lawyer with a new iPad or iPhone, has Seri to create reminders and calendar entries, or to find restaurants or hotels.

9. Fourteen WV Counties are testing a pilot program of "e-filing" of lawsuits and their pleadings; some county courthouse records are online.

10. Lawyers with the CaseSoft software suite can scan or upload transcripts, index the transcripts, send testimony to "CaseMap, link testimony to key issues, and use the stored material to draft pre-trial memos and orders.

11. Lawyers who use Excel can create equitable distribution spreadsheets of his client's debts and assets, prepared a proposed distribution, and show the client how close his proposal, or the other side's, it to

a 50 %/50 % split.

12. Lawyers who use Dragon can dictate less formal documents on the fly with "voice to print".

13. Lawyers with Pathogoras document assembly can fill in questionnaires and e-mail clients' pleadings or documents to his paralegal for final editing.

14. Lawyers with online legal research have an edge in timing and accuracy;

15. Lawyers who use outliners can create efficient litigation outlines and task lists.

16. Lawyers who blog can create innumerable "handouts", forms, and instruction sheets for their clients.

17. Lawyers with a compact digital camera/camcorder, can back up the accident reconstructionist, photograph injuries, "scan" documents and photos into their smart phones, get Google images of collision scenes, and take screen shots of texts, e-mail, photographs, and graphics. **But, don't forget to "take a class"** if you are not already an amateur photographer.

18. Lawyers with sophisticated "practice management systems" and "billing and bookkeeping applications" can print reports, analyze cash flow and profitability, streamline billing, increase revenues, and improve efficiency.

19. But, even a simple spreadsheet can show what percentage of income and expenses go for staff, insurance, equipment, insurance, utilities.

20. Another spreadsheet can show how many dollars per hour the lawyer makes in various practice areas.

21. A smartphone with "hosted Outlook" or something similar carries the office calendar, alarms, tasklist, contact list, and e-mails and text messaging.

22. My iPhone is a dictating machine, a camera, a camcorder, a scanner, a GPS, and much, much more. (Almost forgot - it is also a phone!)

23. A lawyer who shares, shares, shares, communicates, connects, and facilitates with clients, potential clients, friends, and family:

a. Has a fascinating and stimulating life;

b. Keeps friends and relationships that others tend to lose;

c. Use his blogs to create good will, build his practice, improve the profession, feed his ego, show off a bit, and keep everything from his kindergarten, high school, and college class groups, his military buddies, family, and community or church choir, together.

24. A lawyer with a couple of e-readers, say a Kindle and an iPad, has the knowledge of the world at his fingertips, and he can stream music, radio, and movies.

25. A lawyer who loves to read and reads broadly, has sources of wisdom for every occasion. And he can bore and offend his friends with his reading list.

26. In Summary, a lawyer who embraces technology and the future will have one less subject to gripe about as he becomes a lovable curmudgeon.



[2]

Ready or not; here comes fall, 2013!

1. <http://hunterlawfirm.net/wp-content/uploads/2013/08/Technology.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2013/08/Fall2013Coming.jpg>

Keys To Success - A Competent Staff (2013-08-16 21:28)

I have two blog articles in me today. This one is about my staff, and my staffing in general. If I get it finished, I will try to go to my "sister blog", "WV Lawyer, Tips and Techniques" [1]www.burtonhunteresq2.blogspot for 10-15 office essentials.

1. No single person could have accomplished what we did this week.
2. As a sole practitioner, I struggle to make sure that the client gets that personal touch the big firms can't provide and the large firm capabilities.
3. I talk about my "law office technology" all the time, but what of the people?

4. I won't embarrass them by mentioning names, but I have a personal injury and civil matter paralegal, a family law paralegal, a receptionist/timekeeper who enters my innumerable billing entries, and my office manager, wife, and best friend.

5. I cannot work successfully with an employee unless she (yes, almost always she) is a. smart; b. efficient; and c. compassionate.

6. People with those qualities almost always join in the humor generated by the human comedy.

7. A key, of course, is training. That's a toughie in a small office. So many interruptions and distractions. But, at the beginning, the "newbie" gets to read our lengthy "Office Policies and Procedures Manual". We have website tutorials, grammar handbooks, videos, CLE materials, and a good, functional library.

8. The other employees always help and guide.

9. We stress the importance of confidentiality.

10. We have short "scripts" for the person receiving a new client call to ask the essential questions.

11. We teach that the potential client should get a return call from the lawyer or a paralegal within an hour.

12. They are expected to pester the lawyer for answers to client questions. We use e-mail extensively for this. There follow ups and attendance to our deadlines and task lists are the key to our efficiency.

13. In 40 years, I only got multiple complaints about one employee. She was "a princess". She let the clients know they were an imposition on her busy time. She talked down to them, became impatient with them, and generally followed her own agenda. It was a relief when she walked out in a huff after being caught lying.

14. What I get nearly every day are comments praising my staff for being polite and helpful.

15. I explain that people who call us are in trouble. They are worried, strapped for money, grieving or scared. Today I got perhaps the most tragic call of my career. I can help the client move forward in life but never recover fully from what has happened to her.

16. The poorer and sadder, and angrier, the client, the more we try to help. I, of course, tend toward volatility, so I seek out and hire people who are likeable, caring, smart, and compassionate.

17. Somehow we handled the loss of two excellent staff members this summer and the typical summer vacation scheduling hassle. One of them had four children while working for us her more than 12 years and was like a daughter/sister.. The other was supposed to stay a year but moved on after six months. We parted friends.

18. We promoted from within and found "just the right receptionist" and are moving on.

19. But, for a nice experience, give us a call. Whether you get Fay, Tabatha, Letetia, or Nancy, you will be treated with respect and good cheer. They will take careful notes and get word to me in minutes, and you WILL get a reply.

Have a wonderful week-end. jbh

1. <http://www.burtonhunteresq2.blogspot/>

Self Representation - A Family Court Tragedy (2013-08-13 22:35)

There are few areas of the practice of law where the client needs help more, and where the WV Bar and our Courts are such failures, than the self-represented "pro se" party in family law, divorce and custody matters.

1. Criminal defendants get Court Appointed Lawyers;

2. Personal Injury victims get "free lawyers" on contingent fees, at least if there are serious injuries and a pool of money to collect from (insurance);

3. There is money in personal injury. Doubt me? Watch daytime t.v. and see who is advertising.

3. Defendants in personal injury suits get free defense lawyers, paid for by their insurance companies.

4. **Doctors in med mal cases** and lawyers in legal malpractice get free lawyers, albeit after some hefty deductibles;

5. **Juvenile defendants** get a Court Appointed lawyer.

6. **Their parents get lawyers to defend abuse and neglect cases.**

7. **Social Security Applicants can always get a lawyer or a "benefits consultant"** to help them make their case;

8. **Workers Compensation claimants** get lawyers;

9. **Wealthy parties** always have a lawyer.

10. **Victims of "insurance bad faith"** get their fees paid by the insurance companies.

11. **People fighting over an Grandma's Will often get to use** "estate money" to fight their cause.

12. **Government and public interest litigation** always have paid lawyers.

13. **Victims in mass litigation**, toxic tort, consumer fraud, and other matters where big money is at stake always have lawyers, as do the moneyed interests on the other side; **not so the victim of consumer fraud**, who often have only the WV Attorney General Consumer Fraud division.

14. **Yep, governments have lawyers, insurance companies get lawyers, big business and the wealthy get lawyers, indigent parties get lawyers, and personal injury claimants - ALL have lawyers.**

15. **But middle to lower middle income family law litigants don't have lawyers!**

16. **And Legal Aid has fallen on hard times, so their "clients"** are being sold the "Kool Aid" of self representation after a "free class". Imagine trying to complete law school in some free classes.

17. Not only to they have trouble affording a lawyer, but the courts, and even sometimes unwitting lawyers, trick them into thinking they do not need a lawyer. I say, **Hogwash!**

18. I talked to a gal today who called a lawyer in what used to be known as a "paternity case", now "allocation of parental rights";

19. She called a well known and popular local lawyer.

20. She recalls the lawyer telling her, "I am busy this month. You don't need a lawyer to file your answer or go to mediation with you."What??!!

21. I hope the young woman misunderstood, because that advice, if given in that context, constitutes malpractice.

22. Why? Let me give some reasons:

a. The Mother is single, young, and undereducated;

b. She is scared;

c. She knows nothing about the "caretaking functions" standard that virtually assures her primary residential care and \$400/mo. in child support.

d. Even if she did, she doesn't know how to prove caretaking functions;

e. She does not know the impact in court of the father's DUI conviction or his former drug use.

f. She does not know to get her own clean drug test, or to request that he take the test!

g. Without knowledge of the law and training in arguing and proving the facts, she has no leverage at mediation;

h. The father of the child HAS an experienced lawyer!

i. Father paid NO child support the first year of the child's life (That's \$4800!), and he underpaid by \$100/month for the last seven months. That's 3-4 times my fee.

j. Even younger lawyers (under 40) tend to have limited negotiating skills; imagine a 20 year old h.s. graduate.

k. She does not know where the good conflict and therapeutic counselors are.

l. Where does she start? She doesn't even know there ARE Family Court Rule or Rules of Civil Procedure, or Rule of Evidence!

23. Note to my misguided colleague: I now represent several of these sad young women, who were told "by someone", "*the man now gets 50 %.*" One agreed to 50 %/50 %, but, in one year, he took the child for just 9 overnight stays and paid no child support! Think the mediator protected her? Think again! The mediator will not represent you.

24. But, since he still "Want(s) my 50 %.", she is headed to an expensive trial to ask the Court to modify a one year old plan.

Summary: Hire a lawyer, at least as a \$200- \$500 consultant!

a. Don't believe "them"; you do not know how and cannot effectively represent yourself.

b. The Court cannot do more than a cursory review. In a trial, you have a crap shoot.

c. Does she/he talk better than you do? You are even in more trouble.

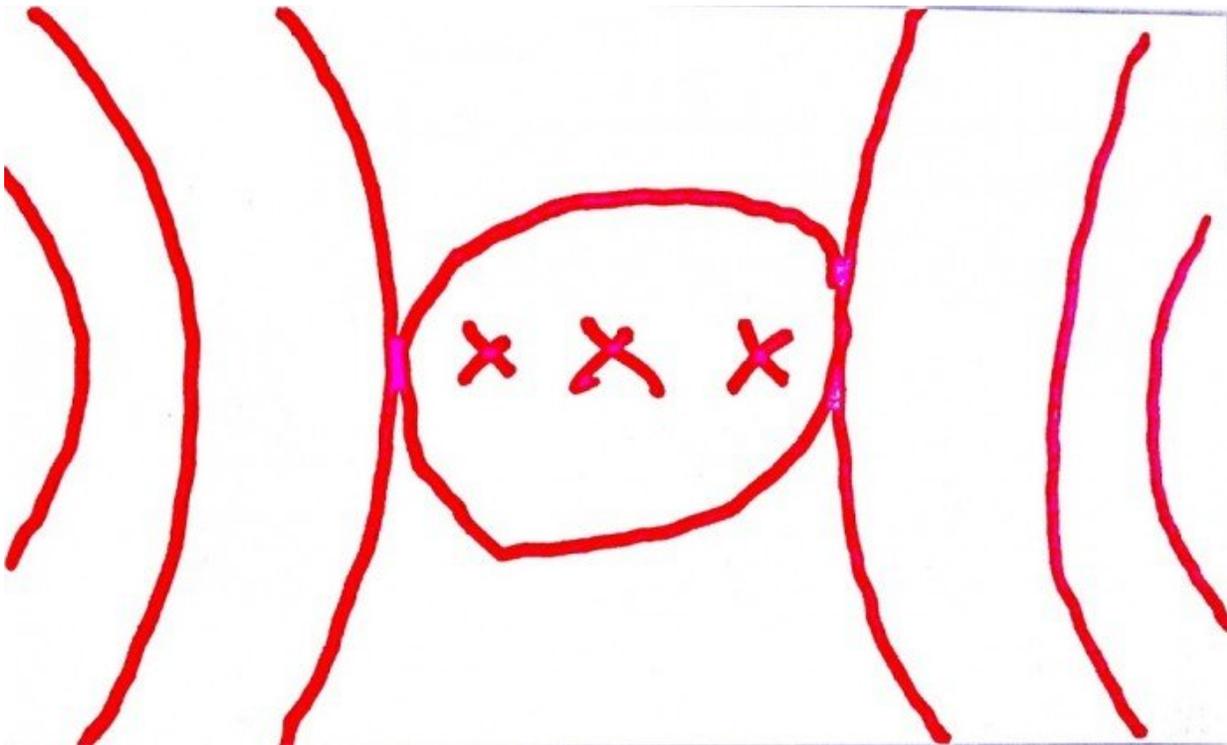
d. The mediator wants a settlement and to appear to be even-handed. She will not advocate for the "right side".

Spend that few hundred dollars on the right lawyer. You will never be sorry that you did!

10.6 July

Keys to a Successful Mediation (2013-07-30 21:44)

[1]



Fundamentals of Mediation

I sometimes forget how little the average litigant, and even judges, know about mediation. There are no riveting serial dramas starring a team of courageous mediators. By rule, judges may not even be told what goes on in mediation, so here are some insights for them and you. **I mediated a case successfully yesterday,** but I made a rookie mistake.

I thought I got an offer to take to the other side, but they were holding back, and I missed it.

That *faux pas* set us back but did not derail the mediation.

When I went back to that side believing we were only \$9000 apart, we were really \$15,000 apart. I had misunderstood the first side's settlement position. That was embarrassing, and it was harder to get to the compromise number. I also showed the famous "Burt Hunter pique", and that's not a good thing. We live and learn.

However, I kept one principle in mind, and that led to the settlement, reducing the number of disputed issues.

It was a divorce division of property and debt mediation. We started with twenty variables, but one attorney had produced an outline that allowed the parties to stipulate to ownership and values of more than half of them. We worked hard for an hour or so on various values, and the BIG issue, whether 3 of the assets were partially or all marital assets or separate.

Separate assets are ones a party owned before the marriage, had received by gift or inheritance from someone outside of the marriage, or was separate because it was a personal injury settlement.

Another key to this successful mediation is the lawyers remained engaged, cordial, and collaborative throughout the negotiation. And, one lawyer had a “hard stop” requiring his attention,

so negotiations got serious an hour or two earlier than they might have. That’s probably a good reason not to leave a whole day for a fairly routine mediation. We tend to fill the time we have available.

When we got down to 3-4 variables, I suggested the other side turn it into a cash demand for “equalization” of the equitable distribution. That means that even though the parties did not agree what the family residence was worth, how much of the equity one of the parties had a claim to, and what the reconstructed vintage automobile was worth, we had reduced the dispute to one issue, money.

When we got to two numbers that were close enough that it would cost the parties more to litigate the issue than to compromise it, we were almost there. It wasn’t close enough to “split the difference” but almost.

One party used a technique that could have derailed our efforts, but was smart enough to abandon it when necessary.

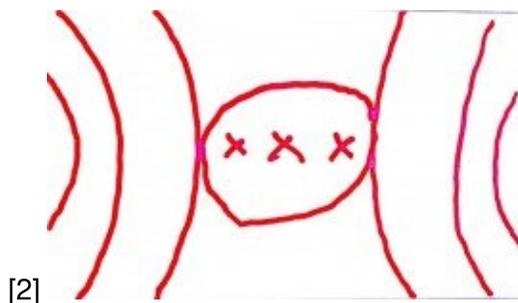
My recollection is I learned that technique from “ Getting to Yes – Negotiating Agreement Without Giving In ” by William L. Ury. I read it the first time in the late ‘80’s. That technique, as I remember it, it to have a beginning offer, a fallback number, and a bottom line.

That won’t work in Family Law negotiating for two reasons;

1. Sometimes there are 20-30 issues, so offers must be innovative and fluid; and,

2. For at least a decade, I kept coming back from mediation having accepted less than my “bottom line” and I could not figure out why.

I eventually learned why from WVU College of Law Professor Tom Patrick who showed us a graphic similar to the one below. The curves at the outer edges of the page are each party’s starting position, the second line is the fallback, and the third is their “bottom line”. As I explain to my client, it is the circle in the middle that contains the tough territory, the place neither party wants to go.



But, in most instances, each party has to go somewhere in that circle to reach agreement. It might be dead center, but it might be closer to one party's "fallback position" if that is the more reasonable position.

Remember, both parties may not start from as reasonable a position. Sometimes my client's real desire is so close to the likely final result that we have to create an illusory first demand to get there. No one likes to think he or she has to meet the first demand of the other party. Bad negotiators arrive, state their position, and never move from that position throughout the day. Such mediations are doomed to failure.

I go into mediation knowing my client's concerns and goals. I have talked about my information gathering techniques in my articles:

1. **Something Constructive: How to Organize the Facts in Your Case:** [3] <http://hunterlawfirm.net/?p=381> ; and,
2. **More About Organizing the Facts in Your Case:** [4] <http://hunterlawfirm.net/?p=279>

My "regular mediators" sometime ask to look at "Mr. Hunter's top ten lists" , knowing that I have had them make numbered lists of their worries, goals, and complaints about the other side. This lists are helpful in that they let me give the mediator and the judge concise summaries of the issues in the case and our positions.

But I do not go into mediation with three pre-conceived offers in mind. The reason I don't is I do not know what the other side is going to say or reveal. Two examples:

1.

I once went into a BIG personal injury mediation with a chip on my shoulder. The other side, in a seven figure case, dragged their feet so my clients could not the original limited liability limits of \$20,000 per person prior to Christmas, adversely impacting their, and my, holiday. (We were dealing with the underinsurance carrier at mediation).

2.

The mediator, a personal friend, took me aside and cautioned me to tone it down (there's the famous 'Burt Hunter pique' again!) because the other side had found a letter from my client's doctor in her medical

record which severely compromised her claim to have been in good shape before the collision. That letter probably cost us \$200,000 which we had to concede to make the deal. Fortunately, but it was still “seven figures”. Had I to do it over, I would have not started on a “high horse” because it was somewhat embarrassing to have to climb down from that horse.

3.

In another case, I fully intended to get my client \$50,000 for a hip injury. His hip had been “frozen” for 40 years from an infection related to tuberculosis when he was 13 years old. A side impact auto collision “unfroze” the hip, leaving rough joint surfaces to run and become inflamed. Within 60 days he was required to retire from his trade as a barber. Before the planned mediation, I got a call from the other lawyer.

4.

We had signed a release for him to get my client’s social security records. During the initial Social Security exam, my client had, under oath, sworn that he had sustained “no serious injuries” during the five years before he filed his disability claim!

5.

When I asked him “Why?!”, he answered, **“I thought if I told them the truth, I would be denied my disability claim.”** Having established without doubt that my client would lie for money, we had no choice but to lower our demand.

Neither of these cases would have settled if we had rigidly stuck to our preconceived ideas.

My point is that until mediation it is hard to understand the other side’s position, argument, and facts. I have come to mediation of one mind and left knowing that I would never have wanted the judge or jury to hear that case. More often, the compromise was predictable, but mediation is still necessary to get the clients to a position where they could settle.

Finally, I family court judge who had been a magistrate most of her career admitted to me, “I have never attended mediation.”

Another judge bragged, “In my 20 year career, I never went to mediation with my client.” I respected the first judge, for her admission and for the fact she simply had never had the opportunity.

The second judge, not so much. She had just proudly admitted to regularly committing malpractice during her career by sending her client to negotiate her own case. This is the practices in other areas of the state but not where I am my colleagues do business. We know negotiating is an acquired skill that requires study and practice to achieve.

Final tips: prepare and educate your client, listen, advocate, argue, but remain pragmatic and flexible, and most cases will settle!

1. <http://hunterlawfirm.net/wp-content/uploads/2013/07/MediationExhibit.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2013/07/MediationExhibit.jpg>
3. <http://hunterlawfirm.net/?p=381>
4. <http://hunterlawfirm.net/?p=279>

The State of Florida v. George Zimmerman - and Our System of Justice (2013-07-18 22:42)



[1]

A Facebook Friend took to task "Trial by Jury" following the George Zimmerman trial. I was tempted to do the same thing following the O.J. Simpson and Kacie Anthony trials. In those cases, neither victim had broken the defendant's nose or pounded their attacker's head into the pavement. They were utterly fault free, but their murderers walked free.

O.J. nearly severed his wife's head from her shoulders and butchered to death her friend. Another jury, in the civil trial in Ohio, awarded the victims' families \$30,000,000.00.

Since then, the Ohio legislature has passed severe limits on such verdicts, so the result today would be closer to \$30,000. Until his subsequent arrest and conviction, O.J. spent a lot of his time avoiding the collection attempts. It was the only punishment the victims could inflict.

Kacie Anthony killed her beautiful infant daughter and stuffed her bloody decomposing, body into the trunk of her car. The jury could not quite figure out how she did it, and thus had "reasonable doubt".

Lest you think that the system always releases the guilty, "The Innocence Project", [2]<http://www.innocenceproject.org/> , lists 310 exonerations on its home page, cases of formerly guilty defendants being exonerated and released because of DNA evidence. Here were over 300 innocent people that "the system" convicted.

And, it happened in more than one of my cases. The most memorable involved a client with a history of a drinking problem. He was accused of breaking into the home of an elderly woman, beating her, and robbing her. Because it had the potential for life in prison, the Circuit Court appointed a co-counsel.

Our investigation led us into "the projects" in South Charleston. Talk about two nervous young lawyers, walking from apartment to apartment, under the watchful eyes of the suspicious residents.

We found a woman, aunt to a former co-worker of my client. Perry Mason was on the silent t.v. in her living room.

Her nephew had admitted to her that he robbed and beat a woman in Upshur County. Why he was stupid enough to tell her, I do not know. Can't even remember how we found her. Sadly, there was no such thing as DNA testing back then.

My client explained to us that he had taken this fellow to the woman's house, while they were visiting my client's parents in Southern Upshur County, and our client voiced his speculation to his guest that she "stuffed bundles of money under her mattress". The assailant turned over that mattress.

The evil co-worker later came back and committed the dirty deed in the very car our client had been observed in a few days earlier, but all the facts, my client's presence in the area, an eye-witness account by the victim, witnesses who saw my client's car, all pointed to my client, whose life was, essentially,

over.

In case you do not know, "eye-witness testimony" has been established to be some of the weakest evidence a jury can hear. The defense bar has established that with the help of the scientific community, such as Johns Hopkins. And don't get me going on "false repressed memory syndrome" which also was debunked by Johns Hopkins' behavioral health center.

We got a handwritten statement from the witness and took it to the prosecutor, Alex Ross, the Friday before the trial. It was agonizing to share this juicy evidence with them, which we did not have to because it was rebuttal. But, the risk was too great, and we bet on the integrity of Alex Ross and the investigating officer, David Harris, who later lost his life in the line of duty.

Alex and Officer Harris drove to Charleston over the week-end and interviewed her. She must have been credible because on Monday morning, right before jury selection, the State moved to dismiss "without prejudice". The charges were never revived.

But for that witness, who showed courage in answering our questions, I think the jury would have convicted our client. We had the privilege of telling our client that he was walking free, which he did that day! Court appointed defense work has no thrill greater than that.

A heavy smoker and drinker, **our client John died 15 years or so later**, but he died a free man.

Our system is imperfect. I seem to recall that during the dark ages accused persons were dropped into water. If they floated, they were innocent; if they sank and died, they were guilty.

In another ancient culture, even an accidental death allowed a family member of the decedent to kill the offender.

Our right to trial by jury is currently under attack. My FB friend J.W. articulated his disgust with the system in an excellent post on FB. He accurately perceived that a defendant with a good lawyer is more likely to get off. He spoke from the perspective of a man who has served on several juries, and he feels they are unreliable.

I hope he reads this, because no jury he was on should have been able to render an unjust verdict. He had veto power! Juries must be unanimous. That's a tough standard.

We all hear the stories of defendants lined up, waiting for a hearing, only to meet their harried public defender moments before their hearing. Such defendants usually accept the certainty of a generous plea offer, and sure conviction by the State, over months of uncertainty waiting for trial, and risks such as those George Zimmerman had to take. The State lets the bad ones off with less than they deserve in order to save money and have a sure conviction.

I am amazed how selective the political zealots are in their respect for the U.S. Constitution. The gun rights advocates seem to think the 2nd Amendment was carved into Moses' tablets by Yahweh himself, but they almost sneer at the rights of the criminal defendant, especially the poor, and ones of a different background from themselves.

The right to counsel had a seminal case: *Gideon vs. Wainwright*. This is a case where an indigent defendant asked for a lawyer, was denied, fought his case well, self-represented, but lost. The U.S. Supreme Court Ruled he was entitled to a court appointed lawyer, at the State's expense, because he was facing a possible jail sentence. The story is chronicled in the famous little book, *Gideon's Trumpet* . I recommend it.

Here is an excerpt from Wikipedia , and the url:

Gideon v. Wainwright , 372 [3] U.S. [4] 335 (1963), is a [5] landmark case in [6] United States Supreme Court history. In it the Supreme Court unanimously ruled that state courts are required under the [7] Fourteenth Amendment to the U.S. Constitution to provide counsel in criminal cases to represent defendants who are unable to afford to pay their own attorneys. The case extended the identical requirement that had been explicitly imposed on federal courts under the [8] Fifth Amendment and [9] Sixth Amendment

[10] http://en.wikipedia.org/wiki/Gideon_v._Wainwright ; and here is the reference to Gideon's Trumpet:

[11] Gideon's Trumpet - Wikipedia, the free encyclopedia

en.wikipedia.org/wiki/Gideon's_Trumpet;

View shared post

Gideon's Trumpet is a book by Anthony Lewis describing the story behind Gideon v. Wainwright, in which the Supreme Court of the United States ruled that ...

Our U.S. Supreme Court just issued an important opinion which drew little attention from the Media. It affirmed big businesses' ability to deny the right to trial by jury to injured consumers, binding them to ultra-expensive and ponderous mandatory arbitration which is described in tiny language buried in our credit card agreements.

Here is a quotation from ReedSmith.com:

On June 20, 2013, the U.S. Supreme Court ruled, by a 5-to-3 margin, that a group of merchants was bound by an arbitration agreement that prohibits them from bringing class action claims against American Express, even if the cost of arbitrating antitrust claims on an individual basis is prohibitive. *American Express Co. v. Italian Colors Restaurant*, No. 12–133 (June 20, 2013) ("*American Express*"). The Court, in an opinion penned by Justice Scalia, concluded that nothing in the Federal Arbitration Act (FAA) allows courts to invalidate a contractual waiver of class arbitration on the ground that the plaintiff's cost of individually arbitrating a federal statutory claim exceeds the potential recovery.

The average consumer should be VERY concerned, but is not. Fox won't cover it, but neither will NBC or CNN. We are all so concerned with "jobs", the economy, and our special interests that the right of the individual is considered to be "disposable".

I have written an article on the death penalty. It is: [12]<http://hunterlawfirm.net/?p=379> . You probably think you can guess my views on same. You cannot.

THE ZIMMERMAN TRIAL

I have posted a lot to FB my views on the Zimmerman trial. Those who suggest that we who have not heard all the evidence, sat through the trial, and watched the participants up front should not be opining. That is true about this trial and every other major issue. It is a rare issue we know enough about to have a clear, viable, opinion.

In fact, I have found the less a person knows about a subject, the more dogmatic and argumentative he/she are. But I am going to render what I hope will be a constructive opinion anyway.

I have listened to extended portions of the opening and closing sentences. I have listened to at least five news sources on the trial, NPR, CNN, FOX, and NBC, and ABC News.

And, I have tried to verdict a trial with the same issues, the very same issues. I also posted about that.

I also had dear family members be the victim of violence, and threatened gun violence, and I have been threatened myself. So, I have thought carefully about the subject.

I thought halfway through that the verdict would be involuntary manslaughter. But, Fla. doesn't have involuntary manslaughter, and I could not understand the instruction, which the judge gave several times. Even a talking head on CNN couldn't understand it.

But, what I figured out was the jury could buy into the prosecution's theory and still acquit George.

They could determine George didn't like black guys because 70 % of the break-ins were by young black men. **They could determine that he judged a person by his hoodie. They could determine that he followed Travon,** against the request of the police officer, **and that Travon had a good reason for taking four minutes to travel what he could have traveled in 30 seconds.**

But, the jury was not allowed to ignore the physical evidence, injuries to the back of George's head, a broken nose, bruises, etc. and Travon's injuries, the bullet wound of course, but also the abraded knuckles!

How could they decide beyond a reasonable doubt that Travon did not hit George, wrestle him on the ground, pummel with is fist, and bang his head on concrete? They could decide it didn't happen that way, but how beyond a reasonable doubt could they know that?

They would have to ignore several witnesses and the physical evidence. And, thus, how could they deny beyond reasonable doubt that George feared that he would endure severe injury or death.

George got the ball rolling, and was guilty of poor judgment at the very least. I think he intended well. I have approached guys roughing up their girlfriends at fairs and car races. I have told them I would call the police. I have called the police. Any of those guys could have come at me, but those of you who know me know I am a rather formidable physical specimen, but it could happen. If I were dead, people would say how stupid I was.

I have no doubt George intended to keep that kid under his gaze until he left the neighborhood, but those of you who think he inexplicably took on a tall, athletic, black kid, (I am conditioned NOT to call him a "boy".) still must recognize that what almost surely happened is the kid was very angry at the "creepy white cracker" and wanted to thrash him within an inch of his life. According to his "dear friend" it was Trevon who judge George by his color, assuming worse intent than George probably had. Jesse J. didn't notice that.

When I heard that he said, "You got me.", it made me want to cry. Too bad it wasn't a flesh wound, so George could say, "I did?" Oh my God buddy, are you all right?" and Trevon could say, "I'm bleeding but I think so. Why the f... were you following me? " And George could say, "I thought you were going to rob someone." And Trevon could say, "Man, I just bought skiddles and a drink. That's my Dad's house down there." And George could say, "Jeez Man; I am so sorry"; and call 911, and staunch the blood with his own shirt. And they could both be on CNN!

But, George had a gun with him that day, so instead of getting a "whuppin", he killed a young man and will live with that and think of that every day for the rest of his life, as will Travon's parents, and George's parents and their families.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/07/Jury.jpg>
2. <http://www.innocenceproject.org/>
3. http://en.wikipedia.org/wiki/United_States_Reports
4. <https://supreme.justia.com/us/372/335/case.html>
5. http://en.wikipedia.org/wiki/Landmark_decision
6. http://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States
7. http://en.wikipedia.org/wiki/Fourteenth_Amendment_to_the_United_States_Constitution
8. http://en.wikipedia.org/wiki/Fifth_Amendment
9. http://en.wikipedia.org/wiki/Sixth_Amendment_to_the_United_States_Constitution
10. http://en.wikipedia.org/wiki/Gideon_v._Wainwright
11. http://en.wikipedia.org/wiki/Gideon's_Trumpet
12. <http://hunterlawfirm.net/?p=379>

Personal Injury Urban Myths - The Phonebooth - The Other Side of the Story.
(2013-07-18 18:07)



Have you heard the one about the pedestrian, who was severely injured in a phone booth by a drunk driver, who sued the Phone Company,

Yuck, yuck?!

This was a story blindly reprinted by the news media during the Regan Presidency. That's when a lot of these "tort reform" ideas began to gain traction.

Turns out that the drunk driver had little or no liability insurance.

The permanently injured plaintiff was using the phone when he saw the car coming. He attempted to leave the booth, but the door was stuck in a closed position. The pedestrian was a "sitting duck".

"Discovery" revealed that several complaints had been filed by frazzled customers who had been stuck in that booth.

The collision, and the injuries, were very foreseeable, and the Phone Company, who, no doubt, had a self insurance program to handle such claims, was negligent or worse in contributing to the man's injuries.

When you hear an "urban myth" story such as the McDonald's Coffee Lady case, that seems too weird to be true, you might consider....It probably is.

For that one, check Netflix for a documentary titled "Hot Coffee".
[2]<http://www.hotcoffeethemovie.com/Default.asp>

1. <http://hunterlawfirm.net/wp-content/uploads/2013/07/PhoneBooth.jpg>
2. <http://www.hotcoffeethemovie.com/Default.asp>

Eclectic Summer Reading and Listening For Your Vacation - 2013 (2013-07-12 21:35)



[1]

1. I will never write a novel, paint a masterpiece, or win a Nobel Peace Prize, but I still want to live a productive, and even creative, life. How can one do that? When I get away on vacation, I get a chance to think of things there is no time for during the year.



[2]

2. After a year hiatus, Nancy and I returned to the Berkshire Mountains, with her Mother Marjorie. We ate at the **New Town Ct. Diner** and the **Red Lion Inn in Stockbridge Ma**. We road over the covered bridge at West Cornwall, Ct. and drove back up on the 4th of July to Lime Rock Park, without Mom, to **Lime Rock Park, Road Racing Capital of The East** to watch the American Le Mans practice and qualifying and The Continental Tire Series sedan races. It was hot but so nice to walk from turn to turn photographing beautiful cars, in motion and stationary.



3. Here is the website URL of one of my favorite places in the world.

I raced there several times and attended two three day Skip Barber High Performance Racing Schools: **Lime Rock Park: [4] <http://www.limerock.com/>**



4. Continental Tire Series: [6] <http://tinyurl.com/lq99dq8>



[7]

5. And, we listened to hours of public radio interviews and TED lectures and learned a lot.

6. Where can you find information on the changes global warming is having on planting schedules and species dissemination?

[8] <http://www.publicgardens.org/>

7. This link goes to NPR's show "On Point", "An Examined Life". This was good but limited by its 40 minute length. They did not explain the philosophies but focused on the men and their manner of living. They just missed Descartes, so they missed all modern thinkers, Leibniz, Spinoza, Newton, Galileo, Darwin, DE Vinci, and Einstein. I have posted my reading list that covers these thinkers and more. In order to enjoy this program while driving, plug your iPhone or "connected" iPad via a "utility" cable to your radio. Then click the url: you can listen to On Pont, The TED Lectures, PRX, the "Moth", and other amazing things without static or interruption! [9] <http://onpoint.wbur.org/2011/02/10/examined-life>

8. Don't forget [10] www.tinyurl.com . Here is the tiny version of "An Examined Life", above.
[11] <http://tinyurl.com/lsoopac>

9. My friend David in Israel loves a good Falafel. There they eat them in PITA bread. Here is an excellent, spicy, recipe and a window into Jewish cooking. I loved my Falafels and even used canned "chick peas" which were "not recommended". [12] <http://theshiksa.com/2011/01/05/falafel/>

10. Here are a couple of urls to Tanglewood, summer home of the Boston Symphony:

a.

Yelps site: [13] <http://www.yelp.com/biz/tanglewood-lenox> ; and

b.

Tanglewood's site:

[14] <http://www.tanglewood.org>

[15]



11. I again started my wonderful college course on Calculus, "Change and Motion, Calculus Made Clear", presented by Professor Michael Starbird. If you only watch the first six of 24 lectures (six times!) as I have, even if you took calculus, or as we called it at Linsly "advanced math", your view of the world will change. Just pondering infinity, time, distance, space, and volume through the eyes of Zeno, Spinoza, Leibniz, and Newton will uplift you and change you:

<http://tinyurl.com/7v6cj27>

12. More about Prof: Starbird: Wikipaedia: Michael Starbird: [16] http://en.wikipedia.org/wiki/Michael_Starbird

13. We stumbled upon this compelling talk by the scientist and former owner of Alex the Talking Parrot. If you don't mind shaking up your ideas on intelligent, cognitive function, and the relationship of mankind and animals, just listen to this one. Again, use your iPhone and your radio for easy listening. Not so easy if you are driving alone. Wikipaedia: Alex the Parrot: [17] [http://en.wikipedia.org/wiki/Alex_\(parrot\)](http://en.wikipedia.org/wiki/Alex_(parrot)) ; then I ordered the Kindle Book: "**Alex and Me**" by Irene Pepperberg.

14. A neat little Novel by a friend of mine? "**The Autobiography of Fezziwig**" by Danny Kuhn. Set in 17th Century England.

15. For some reading, here is some that will trouble you. Osama lived for years by hiding in plain view. The incompetence and corruption of the Pakistani officials and military are stunning. "Osama's Hidden Life": [18] <http://tinyurl.com/mpwpq2c>

16. Where is technology taking us? "A Romantic View of Technology Design:", from [19] www.TheAtlantic.com : [20] <http://tinyurl.com/mnvaqdj>

17. Want to believe that evolution is "just a theory"? This will make it tougher. "Thousands of Species Found in a Lake Cut Off From the World for Millions of Years"; [21] <http://tinyurl.com/kcxv6ml> ; From [22] www.SmithsonianMag.com

18. An excellent book on the principles of sound non-fiction writing? **"On Writing Well"** by William Zinsser".

19. An excellent primer on 20 years of The Middle East until 1995 is **"From Beirut to Jerusalem"** by Thomas L. Friedman.

20. Understanding the world of Socrates: **"The Hemlock Cup"**, by Bettany Hughes. (Editor's note: according to Kindle, I am now 65 % through this book. So much for the classic view of a contemplative world in which a modern style democracy emerges.

Dirty, violent, autocratic, emerging, barely, from the tribal era and dark age that preceded it and then sliding back. Bad news for the 8 brave generals and sea captains who just lost to the Spartans. They were tried and executed by the mob in spite of Socrates' best protestations. Even if I did not know his fate, at this stage of the book, I would be fearing things will not turn out well for him. This is a good read. I have ordered at \$.99/plus \$3.99 shipping paperback of the Author's first book on Helen of Troy. (2-25-2015)) jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2013/07/DSC01669.jpg>

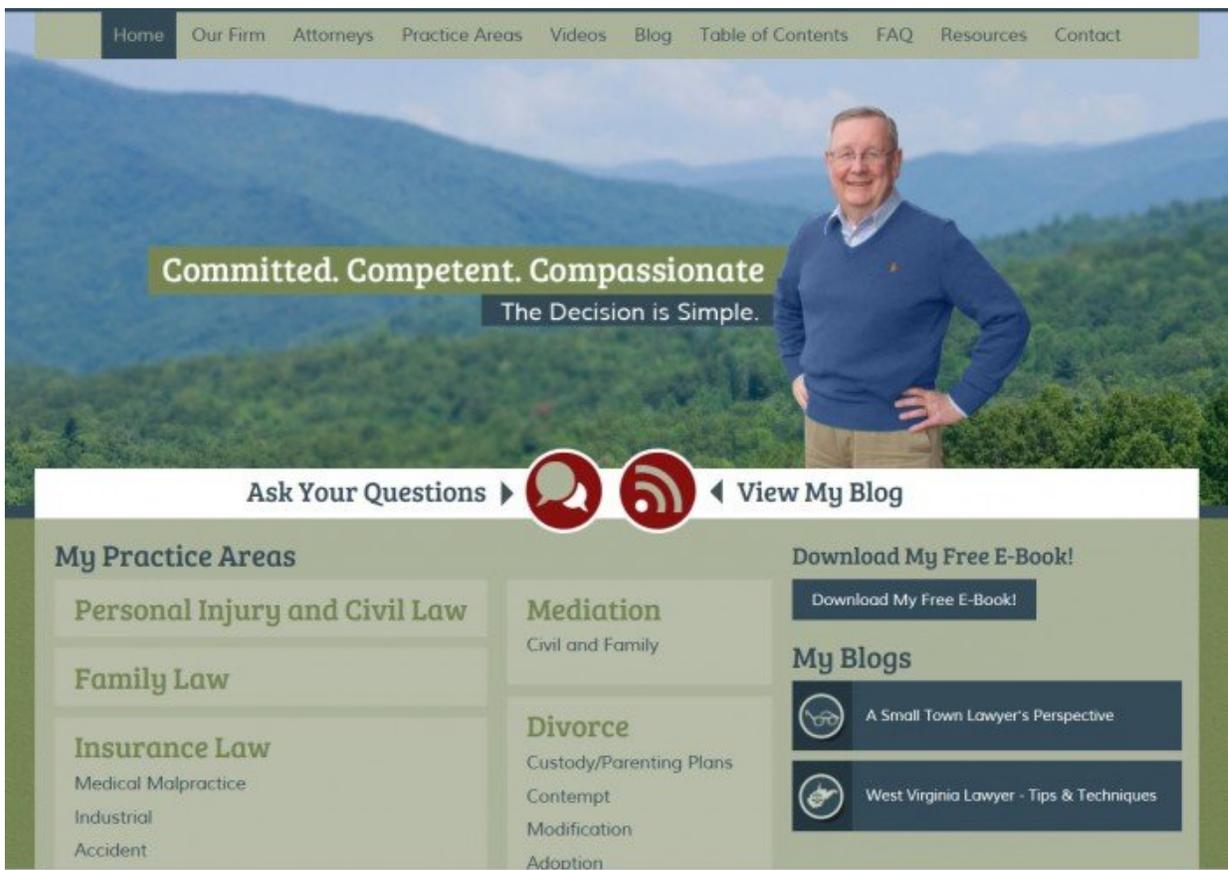
2. <http://hunterlawfirm.net/wp-content/uploads/2013/07/RedLion4.jpg>

3. <http://hunterlawfirm.net/wp-content/uploads/2013/07/CornwallBridgePano2.jpg>

4. <http://www.limerock.com/>
5. <http://hunterlawfirm.net/wp-content/uploads/2013/07/NancyInTheShade.jpg>
6. <http://tinyurl.com/lq99dq8>
7. <http://hunterlawfirm.net/wp-content/uploads/2013/07/TheRace.jpg>
8. <http://www.publicgardens.org/>
9. <http://onpoint.wbur.org/2011/02/10/examined-life>
10. <http://www.tinyurl.com/>
11. <http://tinyurl.com/lsoopac>
12. <http://theshiksa.com/2011/01/05/falafel/>
13. <http://www.yelp.com/biz/tanglewood-lenox>
14. <http://www.tanglewood.org/>
15. http://hunterlawfirm.net/wp-content/uploads/2013/07/BurtResearching1_edited-1.jpg
16. http://en.wikipedia.org/wiki/Michael_Starbird
17. [http://en.wikipedia.org/wiki/Alex_\(parrot\)](http://en.wikipedia.org/wiki/Alex_(parrot))
18. <http://tinyurl.com/mpwpq2c>
19. <http://www.theatlantic.com/>
20. <http://tinyurl.com/mnvaqdj>
21. <http://tinyurl.com/kcxv6ml>
22. <http://www.smithsonianmag.com/>

10.7 June

More on "Why Hire a Divorce or Personal Injury Lawyer?" (2013-06-26 21:16)



This is the post you should forward to a friend or family member with legal woes, if you care about them.

I have written much on why a person injured by the fault of another, or a party facing the agony of divorce, should hire an attorney.

That question in a personal injury matter

has an obvious answer. So why do so many try to "go it alone", at least during that critical beginning?

The answer is that since you cannot file or try a personal injury lawsuit yourself, and since the carrier will not take you seriously if there is little potential you will file suit, it is a "no brainer" that you turn over the documentation and negotiation to an experienced lawyer.

And that's not necessarily the guy with the funniest t.v. ads. If you were an insurance adjustor busting his/her ass each day to keep up with an impossible case load, would you make your best offers to the guy **who portrays you as a buffoon in his t.v. ads?** I think not.

Add to that, that the lawyer may find insurance coverage you did not know existed, help you keep away creditors, or find other treatment options, that issue is quickly dealt with. (My number is 304 472-7477, and I work of a very competitive contingency fee percentage!)

Superficially, the answer to the question of hiring a lawyer for your divorce is not so clear, but if you think a bit, it should be.

In fact, sometimes I don't meet the client until they have been thoroughly frightened by their spouse's behavior.

1.

Even though I had spoken with a potential client, and carefully spelled out the reasons for the client to have counsel, I believe, upon reflection, that she would not have hired me if the spouse had not said, "I will pick them up and keep them overnight at my girlfriend's house whether you want me to or not!"

2.

Them's fightin' words, and they brought her to me.

3.

As we worked our way through the facts and issues, it was apparent that the client had many misperceptions and no experience with divorce.

4.

The client permitted me to call the spouse, as is my practice, to introduce myself, and to make sure the spouse knew we intended to proceed in a polite and professional manner.

5.

The response? “But I thought we were going to work this out without lawyers and all that stuff!”
The spouse was devastated, not because of the divorce, which the spouse expected to be filed, but by the appearance of a lawyer. He seemed to believe all manner of evil was going befall him.

6.

In twenty minutes, I believe I failed to convince the spouse of the benefit of my involvement, but in many instances that call lays a foundation for a settlement.

7.

In the course of an hour and a half with my new client, as I covered the "ins and outs" of the process, the applicable law, her immediate concerns, and the likely timeframe and outcome, **my client began “to get it”**. **She left the office with a grateful smile, without the misperceptions she came with.**

8.

The spouse, of course, continued to see gloom and doom, with voice cracking at one point.

9.

Why is there this perception? "Here's my take", as Fareed Zacaria says:

a.

In most marriages and break-ups, there is a disparity in power. The person who believes he/she has the edge in money or power is the most anxious that the other party not be empowered.

b.

Our WV Supreme Court and "Legal Aid" have backed away from urging people to have private counsel.

I could not disagree more, for the client, and for the attorney who comes to a WV town or city hoping to find a way to make a living for himself and family and to contribute to his/her community.

c.

There are "Supreme Court Approved" "do it yourself" forms. The implication is "anyone can do it."

d.

This demeans family law attorneys who are treated, in my opinion, as "second class citizens" by the Court.

e.

My evidence? Perceiving that insurance companies, big business, and other moneyed clients can look out for themselves, the WV State Bar Ethics Counsel focuses most of the energy on the loudest complainers.

f.

They are court appointed criminal defendants (who have plenty of time and a free law library) and family law clients, people under stress at one of the worst times in their lives.

g.

By giving out a “ \$50 do it yourself kit”, the apparent nod off approval from the Supreme Court, and the trappings of the Circuit Clerk’s office, and allowing “do it yourself” training courses at the Legal Aid Office, a cruel hoax is perpetrated upon those borderline parties who can find funds to be represented, but do not.

h.

The parties mentioned in my example above both make good money. Affording counsel was not there problem. But, for some reason they dreaded “involving lawyers”.

i.

I confess, some lawyers are to be dreaded. I perceive they are not there to collaborate, cooperate, and serve. They think it is their job to wield a club for a party to get what he wants. The debate between lawyers of over these diverse positions will not easily be resolved.

j.

I have written posts on the horror stories who were unrepresented. I just entered "why hire" into my blog search engine and got 6-8 "hits".

10.

If you have a friend or relative, or if you, are facing a divorce, at the very least, scrape up \$500 and come talk. I will give you a PDF file of my 260 page book (**Now 700. jbh 2-25-2015**) , a list of the key documents to file, methods for organizing your case, and pros (very few cons) of being represented.

11.

How can I do this? Because most people I meet under those circumstances hire me. Truth is, once they have the facts, hiring as family law lawyer is as much a “no-brainer” as hiring a personal injury lawyer.

12a.

That’s good, because I happen to do both! I hope you do not need my services, for an injury or a divorce, but, if you do, I hope you won’t hesitate to give us a call, or visit [2]www.hunterlawfirm.net. jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2014/12/JBHunterLawFirmHomePage.jpg>

2. <http://www.hunterlawfirm.net/>

Militant Moderate - Mad As Hell! (2013-06-26 00:43)

[1]

988



MAD AS HELL!

My clients sometimes call me a bulldog. Only when I have to be, but.....

Ok; so I decide to heed my pal Eddie's suggestion for a hiatus on the political dialogue on FB. I am home, working and looking up schedules and sites where we are vacationing next week. So, I posted wildlife, clouds, hills, and pond photos, Tanglewood's schedule, Lime Rock Park's website, and the Roasted Chicken I cooked Saturday! Pretty benign stuff.

Just now the phone rings. It is...



[2]

"The Tea Party", intruding into my house with a scary, vicious, doltish, demagogic, infantile, libelous, insane rant about the Senate gun background check bill.

Are we forgetting that the folks who are in "GOVERNMENT!" are us?

They are the people we elected. They are the bureaucrats who met the standards to be hired and retained even when political parties change power. They are lawfully selected appointees. They are our Supreme Court. They are the volunteers, men and women, who volunteered to serve their country.

They are part of the very system of balances and checks we have in place so no one gets all of what they want! They are protecting us from disorder, Organized Crime, Foreign Enemies, Terrorists, Natural Disasters, Famine, Pollution, Global Warming, and our own idiocy. We need that protection.

They are slow moving and are forced to compromise because that's what Hamilton, Madison, and Jay propounded in **The Federalist Papers**, and our founding fathers voted into place.

They did not put the right to bear arms over the right of privacy, to jury trial, to due process, or later, to vote even if your are black or a woman. They were not ready for racial gender equality. But that's why we made our Constitution amendable. They would be today, and they would not all be white, privileged, males. It is a careful balancing; the best mankind EVER devised. AGHHHHHHHHHH!!!!



[3]

We all knew that MANY BILLIONS of \$'s were being spent on something to stop another 911, or worse, or less. I, for one, was hoping "The Government" was monitoring communication in a way to keep us safe.

I remember thinking, "I hope 'someone' is helping those Contras against the Nicaraguan Communists", and there was, Ollie North, God bless him. That's when the liberals had there day, and the liberals went "overboard".



[4]

Let's reduce this whining, these histrionics, these conspiracy theories, our racism, our intolerance, and our loss of civility. Let's reject the politics of the far right and the far left. Let's read, watch quality t.v and media, educate ourselves, read books! (Fareed recommends an informative book every Sunday morning.). Let's participate in our communities, our churches, our civic activities, and our governmental processes.

And, I suspect the louder the rant about "privacy rights", the more that person and his/her friends have to hide. Sure the porn watchers, pedophiles, terrorists, radicals, crime figures and their ilk want PRIVACY.

Of course they do. It is the far left who has no problem with Benedict Snowden's "freedom tour" to China, Russia, Cuba, Venezuela, Ecuador, and probably Syria, Iran, and Korea. I hope he gets a long stay in Kim Jung Un's "country club with barbed wired". In the interest of civility, I will leave out what I think should be done with Mr. Snowden. But, he is a confessed felon fleeing justice.

We participate in a government by assuming some responsibilities, honoring others' views and rights, and YES, giving up some of our privileges or rights out of respect and common sense. Boy did that recorded TEA PARTY caller get an earful from Burt. What a way to make a living. Too bad he was just a recording. And he woke my wife up from her nap!

The post script to this rant is the call we just got at robot call for "free" 'I have fallen and cannot get up' buttons. My friend Linda, @ 40 years old, says she got the call incessantly while she was recovering from surgery at home. She is "mad as hell too."

[5]



Finally, I have predicted a conviction of George Zimmerman of Voluntary Manslaughter, not murder and not an acquittal. Write me and I will explain why.

(Author's note, 2-25-2015; as the evidence developed, Zimmerman was acquitted on all charges. In my opinion, his cocky, aggressive, high risk, behavior brought this tragedy on. If he had not gun, he would have been more careful. Trevor's attack was violent, and potentially injurious or fatal, but George's behavior was provocative. One of these men lost his life, and one walked free; yet neither was free of blame. Something wrong here. jbh)

1. <http://hunterlawfirm.net/wp-content/uploads/2013/05/MeetingYourLawyer.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2013/06/TeaPartyPhoto.jpg>
3. <http://hunterlawfirm.net/wp-content/uploads/2013/06/Osama.jpg>
4. <http://hunterlawfirm.net/wp-content/uploads/2013/06/snowden.jpg>
5. <http://hunterlawfirm.net/wp-content/uploads/2013/06/Zimmerman.jpg>

Burt's Response to the Challenges of the Modern World (2013-06-07 00:38)

[1]



a.

Recently received

from two colleagues of my generation:

i.

“I will only communicate by regular mail. If I used e-mail at work, people would drive me nuts;

ii.

“Dear Mr. Hunter: In light of the volume of discovery filings you have made in our three cases of late, please to not fax me any more documents. I

will accept only “regular mail”.

[2]



b.

My immediate response to each of is my colleagues - read the article I wrote for a lawyer just setting up her office, "Hanging Out Your Shingle Isn't for the Faint of Heart":

[3] <http://tinyurl.com/cb4k4sm> .

We are near to the time where using "regular mail" will be prima facie malpractice. What lawyer should want to double the length of his or her case by using the equivalent of "Pony Express" after the telegraph lines have been strung? (I will return to this subject in 25 short paragraphs or so.)

c.

A third, younger, colleague refuses to communicate with unrepresented opposing parties, except by regular mail, because “They might claim I said something I did not.” My response? I sat down with two people before Tuesday’s hearing, and we have a full, written, final, agreement to present to the court 1.5 hours later. Don’t be afraid to take some risks, or even to make mistakes. That’s how we learn.



Early tool for genetic engineering

d.

Two friends recently mentioned, with concern, the genetically engineered wheat found growing in South Dakota. My FB Friend said, “I only want food God created, not food made by the hands of Man”. I avoided the, “But God made our hands reparte’, but I could not help but point out that we have been modifying our foods, even genetically for at least the last 10,000 years, and the environment where that food is grown for eons.

e.

These people are scared and frustrated.

f.

Change is stressful, as is the constant need to learn and grow. People like their comfort zones.

g.

An article in Wired Magazine reveals that advertisers are gathering vast data on us, to the point we can walk into a store, be identified, and even have an electronic billboard flash an ad tailored to us as we walk by.

h.

The C.B.S. news program 60 Minutes presented a woman who can guide her robotic arm with her thoughts. Now they are working on a wireless interface. 60 Minutes, in my opinion, is the best there is on a major network. Hmm.....I wonder if my friend who is against genetically engineered wheat would leave this one to God too?

i.

A computer scientist has acquired a 1.5 billion dollar budget for a project to replicate the human brain. Science fiction writers have been dealing with this theme since Frankenstein.

with lifetimes of 200 years, and more, real possibility in the foreseeable future. “Long For This World – The Strange Science of Immortality” by Jonathan Weiner. According to the author, the key enemy to living forever is

cancer. Cancer is referred to as “The Emperor of All Maladies – A Biography of Cancer” by Dr. Siddhartha Mukherjee. I hope my friends who are against modified wheat, are not against the gene research what will dethrone the Emperor.

m.

Manufacturing of tablets and pads will soon exceed laptops, which recently began outselling desktops, which became popular in the early 1980's. Hmm.....I think I detect a pattern.

n.

Even third world societies are being transformed by cell phones. “Smart Phones” are powerful computers; the difference between them and pads will become negligible.

o.

The gulf between “modern thinkers” (who believe in logic and science over ‘faith’) and the masses (who believe in faith, or not much at all) actually seems to be growing, to wit:

i.

Many of us welcome the “Moslem Spring”, but I predict that these fundamentalist revolts will not lead to enlightened, tolerant, modern, democracies. Strangely, they are using social media and the Internet to bring on a revolution to install their religion and the rule of law.

ii.

Fear and ignorance are driving people to radical politics and extremism. If you believe you have the only “truth”, you tend to believe in extreme methods to achieve your goals.

iii.

Instant communication allows people with evil intent to influence the intellectually weak and vulnerable.

iv.

Brilliant but twisted people can turn the Internet to their own purposes.

n.

The time of mass media’s sending one message, whether it be Leave it to Beaver, Andy Griffith, the national political conventions, or man landing on the moon, is over.

o.

Now, a person can live within Facebook and endless kitty pictures and bingo games, or video games, or porn, or even Martha Stewart! It takes a real effort to be intellectually curious, but if you are, there is a cornucopia of information awaiting you.

p.

A good friend of mine carefully limits his intake of information to liberal political messages and religious writings. His FB posts are countered by other Face Bookers who carefully limit their intake to Fox news and diatribes from the right.

q.

My support of Senator Manchin's gun registration bill, the ONE bill with a chance of passage, earned me a rant, at the barber shop and on Facebook,

from the Second Amendment fanatics threatening an armed rebellion if it passed! These people believe the propaganda of mouthpiece of gun manufacturers, the NRA. They want no knowledge outside of their small world view.

r.

Fear of change seems to be fueling religious fundamentalism. The "Kansas Crazies", as I call them, demonstrated a few years back at the Sago Mine disaster memorial service at WV Wesleyan College in Buckhannon for the idea that our coal miners died because our WV Supreme Court of Appeal awarded custody of a five year old boy, "Clifford K.", to a gay parent.

s.

Pat Robertson applied similar logic to the tornadoes in Oklahoma and to Hurricane Sandy. What would Jesus say about that?

t.

As I say above, revolutions by Muslim fundamentalists in the middle east, against primarily secular dictators, are being welcomed by many, but I see little chance that those revolutionaries will create tolerant, democratic, societies in their stead. Intolerant societies who believe they have the truth and the duty to spread the truth are bound to be aggressive and to breed terrorists and "militants". This is a development that should concern us all.

u.

Drug cartels, Internet stealing, child porn, organized crime, computer espionage,

and gang activities are all thriving in the Age of the Internet.

v.

In order to survive in relative safety, people will have to give up much of their privacy. Security cameras will spread to most public, and not so public places. Our e-mails will be accessible to the authorities. Our Facebook record will soon be impossible to expunge, like our DNA. Google Map multi-lens cameras will see us down to the tiniest of scales.

w.

A Facebook friend, just today, announced he is going to censor his conservative commentaries because “they” are going to be watching. He won’t stick to that.

x.

Our movements will be easy to track unless we want to give up the convenience our devices provide us. Those of us who give up our devices will not have the ability to impact their world and to thrive that the people who master them will.

y.

Television is changing rapidly. Channels multiply, quality deteriorates, reality shows grow proliferate. Believe it or not, I was recently auditioned for my own national reality t.v. show.

z.

Public attendance at ball games, auto races, concerts and the like will dwindle. Just look at the stands of a NASCAR or Indy Car race, or any sport except football or men’s basketball. Nearly empty.

aa.

Last night on the news, I learned at a family night at the baseball park can cost \$200- \$500! Disney World now costs \$95 per person (over 10 years old) per day. Universal Studios is \$85.

bb.

Who watches the national news? Apparently people who need laxatives, pain meds, sexual stimulants, “reverse mortgages”, and adult diapers! That last one hurts.

cc.

What are young people watching? I don’t know. They are in their world, and “we” are in ours.

dd.

Back to my colleagues who I mentioned above; my advice?

a.

Just get a modern multi-function machine. Receive your faxes/e-mailed documents into digital storage. Transfer those documents to your client’s digital file. Save postage, paper, and time. Move toward the goal of the paperless office.

b.

Use e-mail at work, and any tool that makes you more efficient. You are supposed to be accessible to your clients. Set up some rules, but prepare for a new world where you will communicate by e-mail 100 times a day. You may find you do more in an hour that 3 months’ worth of snail mail.

c.

If you represent a person against an unrepresented adversary, fulfill your responsibilities, suck it up, and treat that person with respect and skill.

d.

This is not brain surgery or rocket science. Most of us lawyers are here because we aren't smart enough to do the latter.

To anyone who has stayed with me this far, I suggest we all "live an examined life, push back from the table from all that bad food and all of that "junk thought". Use technology to give you access to the whole world. Study, learn, broaden yourself, be open and brave, but careful, even cautious. Always be open to innovation, new ideas, change, and progress. Do not hide under a rock. "Faith" may be the only solution for many, but being a "modern thinker" must eventually prevail if we are to survive.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/11/Burt-Phone.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2014/04/SurfacePro2Final.jpg>
3. <http://tinyurl.com/cb4k4sm>
4. <http://hunterlawfirm.net/wp-content/uploads/2013/06/Handaxe2.jpg>
5. <http://hunterlawfirm.net/wp-content/uploads/2013/06/Leatherman.jpg>

10.8 May

Where Have You Been Mr. Hunter? (2013-05-30 21:20)



[1]

I miss my Apple II!

I would love to say my many “fans” have been pestering me with questions of why my blog posts have dried up. My hope is at least a few people have noticed.

I have reprised some former posts, such as my post about Anthony Wiener’s revived efforts to become Mayor of New York. My article of two years ago makes me appear prescient today. I reluctantly suggested he be given another chance. I put a lot of thought into that article and was happy that I enjoyed reading my own writing. The same for “Burt’s Views on Religion and Religiosity”.

[reprise - definition of reprise by the Free Online Dictionary ...](#)
www.thefreedictionary.com/reprise =
1. A repetition of a phrase or verse. 2. A return to an original theme. 3. A recurrence or resumption of an action. *tr.v.* re·pris·ed, re·pris·ing, re·pris·es. To repeat or ...
Reprised · Reprise sans emploi · Reprise License Manager

[2]

Instead of posting, I poured the equivalent of 6-8 blog articles into a continuing legal education (CLE) presentation for 50 lawyers at the WV State Bar Center in Charleston on the fundamentals of law office technology for small family law firms in early May. It was great fun showing off.

It was crammed with valuable information; so much so, I fear my attendees felt somewhat overwhelmed. I presented two hours' worth in an hour. I wish I had three or four, but was sincerely thankful to be asked to present with several outstanding presenters.

I will be happy to share my 60 slide PowerPoint slide show to anyone who will write me at [3] hunterjb@hunterlawfirm.net

. I had 1400 pages of documentation that I will also share via DropBox. Remember, that's [4] hunterjb@hunterlawfirm.net

.

This afternoon I shall review 2-3 posts I have made about the future of technology and social and cultural change. If I like them, I will re-post.

If my case tomorrow settles or finishes by noon, I shall spend 3-4 hours trying to tie it all together.

Considering what mankind has suffered through during its several million years on earth, we should not fear the future. We have the tools to make our lives better than mankind's has ever been. We have the power to end life on earth, and an asteroid could do us the favor next month.

I invite the curmudgeons and the tech lovers to read my posts and weigh in with opinions and questions. You may detest constant change, technology,

and social media, and the superficiality of our instantaneous information society, but I guarantee that unless you move to a remote rural area, you will not avoid it, and even then, not for long.

I have been addicted to the future, and the past, for over 55 years. I have observed the fear and loathing of so many of my contemporaries. An elderly relative is still pining over the music of the 40's.

Change can be unsettling. Better, I think to embrace and welcome change, and I will make my case as best I can. But, pull on your boots, change is coming.

You might ask, "How is this Perspectives of a Small Town Lawyer"?

It is from the fact that I live near a city of 6000 in a county of 20,000, where many people have stayed more like 1970 than 2013; even here the change is coming.

But, even a sole practitioner, "baby boomer", lawyer can learn about and benefit from technology, and benefit his clients, family, and friends.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/05/AppleII.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2013/05/Reprise-Def.jpg>
3. <mailto:hunterjb@hunterlawfirm.net>
4. <mailto:hunterjb@hunterlawfirm.net>

Burt's Letter to His New Clients - From Perspectives of a Small Town Lawyer (2013-05-14 22:26)

Here is a letter I drafted as a handout for new clients. And the "Legal Checklist" is an early article from one of my blogs. The URL to my blog Perspectives of a Small Town Lawyer is at the end.



[1]

<http://tinyurl.com/d7vzdtg>

1. <http://hunterlawfirm.net/wp-content/uploads/2013/05/LetterToClients.jpg>

Burton Hunter's Letter to New Clients (2013-05-11 21:31)



Letter to New Clients

From: Burton Hunter

Dear New Client:

1.
For many years, we have been refining our process of representing clients.

2.

Whether you are here for a family law matter, a serious injury claim, a dispute with family or neighbors, or mediation, we stick **with fundamentals. We need your help in doing that.**

3.

When we build a sound foundation for your case,we increase the chances of success.

4.

Here they are:

a.

Tell Mr. Hunter the truth. Don't leave out key facts, even false accusations against you, so Mr. Hunter can protect you. Even shading the truth slightly can cause Mr. Hunter to make a mistake in the pleadings (Papers alleging facts on your behalf.), his statements to the court, or his advice to you.

b.

Telling Mr. Hunter the truth allows him to assess your strengths and weaknesses and help inoculate you from the other side's tactics.

c.

You have full access to Mr. Hunter's writings at the blogs "Perspectives of a Small Town Lawyer",

[2] www.burtonhunteresq.blogspot.com

, and “WV Lawyer, Tips and Techniques”. (Editor’s update: we have moved “the whole shebang” to a WordPress platform, still at www.hunterlawfirm.net. And we have updated our link to the PDF book to 700 pages of serious blogging with full table of contents. jbh.) He will share articles, forms, and statutes that you need, but feel free to use the blogs’ “search feature” to look up subjects such as custody, alimony, insurance coverages, personal injury, damages, equitable distribution, adoption, and many more.

d.

Mr. Hunter has proprietary forms for you to fill out in divorce and personal injury cases. They require you do some real work. Finding time to get the records, make the calls, and do the research will pay big dividends.

e.

All family cases, divorces, modifications, custody, child support, and contempt usually **require your last 3-5 years of tax returns and financial affidavits** of your income, debts and property.

f.

All cases require you to identify with precision the people, documents (paper and digital and video), events, places, and things that make up your case.

i.

We will give you sets of three worksheets. I MUST figure out how to get clients to do a better job filling out our forms! If you have a problem with literacy, tell us! A family or friend will help, and our staff will go over them with you before you meet with me.

ii.

The average person does a poor job realizing how many people have a connection with your case; grandparents, spouse, former spouse, significant other, lawyers, judges, teachers, youth coaches, neighbors, extended family, etc.

iii.

“Documents” in this modern age include scanned documents, e-mails, texts, Face Book posts, accounts balances, smartphone screenshots, tax records, appraisals, tax tickets.

iv.

Events, places, and physical objects may also be key, such as former residences, property of the marriage, injuries, medical records, threats, acts of abuse, collisions, prior injuries, or insurance coverages. Facts, facts, facts!

5.

They say there are no “dumb questions”, but there are questions that wear me out:

a.

“Whose side are you on anyway!?” I am on YOUR side, which is why you will see me being polite and as candid as is possible with our opponents. This may mean conceding the validity of their complaint against you, asking you about accusation, or asking you to collect information requested by the other side.

b.

“Why do you bill me for time spent talking to my spouse?” The Rules of Professional Responsibility require me to deal with the our opponent. If they have no lawyer, I have to deal with them. I cannot tell you how many hundreds of times my putting up with rudeness and distrust has helped my client’s case. So, of course I will communicate with your spouse, angry neighbor, or crazy uncle, in an effort to protect your interests.

c.

Accusatory #1: "That call didn't take .1 hr. (six minutes)." I bill in increments of tenths of an hour. Some lawyers deal in quarter hour increments. I rely heavily on e-mail. I usually review my "in" e-mails, and assign .1 hr. to an e-mail and reply. Please realize that the e-mail usually gets me to do something, reply, forward, check my calendar, walk across the room. Those actions forward your case. I tend to copy several of my staff. The billing clerk does her thing, as does the paralegal, scheduling clerk, and receptionist. Like it or not, I find it a fair and reasonable method of "keeping score".

d.

Accusatory #2: "You just don't understand." With 40+ years' experience and 5000 cases, 3000 of which were family law, I usually DO understand. I have gathered much more information than you realize, and assessed you and your problem, and know your "sly" spouse who can con anyone, but can't con me.

e. If you have told me something 5-6 times, and I have assured you, I HEARD YOU! Don't expect me to have photographic memory. That's why I organize, organize. Don't be offended if I ask for a reminder. By sure, if it is important, it is on one of your lists!

f. "Why do we have to follow the rules when 'they' won't?" I get this question often, especially during the "discovery" phase where other side has done everything it can to "hide the ball" with the help of their lawyer. We answer honestly and follow the rules because that is how I was raised and how you should have been raised. Lawyers are officers of the court who have taken an oath to follow the rules. Answering fully helps us to prepare our case. Answering truthfully helps when the Court has to determine the credibility of the parties and their witnesses. Lying or cheating because "they do" lowers you to their level. Why follow "their" example? And, I almost forgot, "You might get caught!"

g.

The key is ANSWER the narrowly focused early questions I ask you, gather the information I ask for, and ORGANIZE your story into a concise set of "objects" and "lists" that I ask for. Then we create the "timeline" of events.

6.

Communication:

a.

The preliminary telephone chat; first with my staff, and then with me, is critical. I can size up the situation in 15-20 minutes, answer your key questions and quote a fee. You have probably already passed that test, and we have passed yours.

b.

We are getting more inquiries via our Findlaw website,

[3] www.hunterlawfirm.net

. I will respond as quickly as I can, but sometimes you get stuck in my spam filter for a day or two, so remember the trusty telephone, 304 472-7477.

c.

I have mentioned that we rely heavily on e-mail. If you have an e-mail account you check regularly, you are likely to have a case move more smoothly.

d.

ONE RULE: call or write any time if it is urgent (my home number is 304 472-5644), **but please try not to call me at home.** My great strength is my happy life, which includes downtime for hobbies, interests, and family.

e.

Please try NOT to hit "send" between 5:00 p.m. and 9:30 p.m. By 9:30 p.m., I will be ready and getting ready to snooze. Most days I will note your e-mail by the following 6:00 a.m., and be in the office by 7:00 p.m.

f.

READ your fee agreement or engagement letter. Then reread it. Most contingency cases will not generate monthly billing statements, but I track even that time will promptly provide a statement if asked.

g.

We bill regularly but not every month for every case. When in doubt, call and speak with Nancy, who will answer your questions or get answers from me.

h.

TELL US if you are becoming impatient or unhappy but please try to have reasonable expectations. I will answer all questions. If I have made a mistake, I will note it, apologize, and move on. If you make a mistake, I will try to minimize recrimination and move forward constructively. Neither of us should expect perfection from the other.

i.

Attached to this form is a “legal checklist”;much of it may seem superfluous in light of a pending crisis, but put this away and review it for your long term legal health.

j.

We will work hard to meet, and exceed, your expectations.

Thank you for retaining our services.

J. Burton Hunter III

1. <http://hunterlawfirm.net/wp-content/uploads/2013/05/MeetingYourLawyer.jpg>
2. <http://hunterlawfirm.net/>
3. <http://www.hunterlawfirm.net/>

Dragon for iPhone - Simple Tip (2013-05-08 12:47)



[1]

blog and will catch this follow up.

3. I mentioned that Dragon for the iPhone is impractical because of the limited memory.

4. There is a work around, and it is simple.

5. Keep an eye on the screen; when memory runs out and the text appears, stop talking.

6. Check to see if it got your last words, hit the red record button, and start again, repeating any words Dragon missed.

7. I just dictated a fairly detailed temporary order that took 4-5 screens.

8. Sure enough, my criticism of Dragon was demonstrated. I dictated, "Please show the appearance of Mr. B..... in person and by counsel and Ms. Ba.....n. without counsel.

9. Dragon printed, "Please show the masturbation of.....and...!!"

10. Fairly recently, the word "coitus" appeared in one of my documents! Strangely, if you happen to suggest Dragon do something painful to itself (don't ask me how I know this), it is oblivious and will not repeat a dirty word.

11. I suspect it inserts this naughtiness to pay me back.

12. I think this is the future of dictation; not stuck to your laptop "training", but talking into your smart phone!

So, my point is, you are carrying around a powerful computer assistant. You can talk to it, and it will type a rough draft that you can then e-mail to your legal assistant, or even a memo to client and assistant.

Be prepared, however, for the occasional embarrassment.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/05/Iwork2Apps2013.jpg>

J. Burton Hunter III's WV Supreme Court Cases (2013-05-07 12:14)

1. Lair v. Lee, 205 W. Va. 463, 721 S.E.2d 375 (W. Va., 2011)	November 24, 2011	0
2. Burton Hunter, III Esq., J. Burton Hunter, III & Associates, PLLC, Rockwellton, TN, for Petitioner; Patricia S. Lee.		
3. Estate of Robinson v. Shepherd County, 208 W. Va. 520, 549 S.E.2d 688 (W. Va., 2001)	July 2, 2001	0
<p>On or about August 25, 1990, J. Burton Hunter, III, a lawyer representing the Roberson estate proceedings, drafted a will that was addressed to Mr. Hill and copied to, among others, the Sheriff of Hampshire County and the Honorable Judge L. Fleming, Judge in the letter. Mr. Hunter advised its recipients that Mr. Robinson was dependent upon his pending divorce and had expressed a desire to take his own life. The letter registered that Mr. Robinson was in need of medical assistance in connection...</p>		
4. 2006 v. Nade, 317 W. Va. 282, 304 S.E.2d 399 (W. Va., 1982)	March 11, 1982	0
5. Burton Hunter, III, Appointer; William C. Thompson, Clerk/Commissioner, for appellant		
6. State ex. rel. Wickham v. Felt, 205 S.E.2d 871, 210 W. Va. 213 (W. Va., 1981)	November 4, 1981	0
<p>110 W. Va. 213; J. Burton Hunter, III, Petitioner, for relator.</p>		
7. State ex. rel. Grimes v. Felt, 317 S.E.2d 313, 173 W. Va. 425 (W. Va., 1984)	June 13, 1984	0
8. Burton Hunter, III, Buckhannon, for relator		
9. State ex. rel. Grimes v. Felt, 308 S.E.2d 29, 172 W. Va. 369 (W. Va., 1983)	November 14, 1983	0
10. Burton Hunter, III, Petitioner, for relator		
11. State ex. rel. Grimes v. Felt, 304 S.E.2d 640, 173 W. Va. 308 (W. Va., 1983)	July 10, 1983	0
12. Burton Hunter, III, Buckhannon, for respondent		
13. Estate of Nade, 308 S.E.2d 430, 172 W. Va. 338 (W. Va., 1983)	December 10, 1983	0
14. Burton Hunter, III, Buckhannon; Robert M. Brown, Vestal, for appellants		
15. Grimes v. Felt, 303 S.E.2d 420, 171 W. Va. 843 (W. Va., 1983)	July 21, 1983	0
16. Burton Hunter, III, Buckhannon, for Petitioner and Grimes		
17. Lair v. Lee, 205 W. Va. 463, 721 S.E.2d 375, 34 (W. Va., 2011)	July 8, 2011	0
18. Burton Hunter III, relator; Lee & Leavelle, Buckhannon, for appellant		
19. Grimes v. Felt, 303 S.E.2d 36, 171 W. Va. 847 (W. Va., 1983)	July 14, 1983	0
20. Burton Hunter, III, Buckhannon, for appellants		
21. Lair v. Lee, 321 S.E.2d 885, 174 W. Va. 35 (W. Va., 1984)	October 16, 1984	0
22. Burton Hunter, III, Buckhannon; Robert M. Brown, Vestal, for appellants		
23. Carroll v. Nade, 322 S.E.2d 173, 138 W. Va. 146 (W. Va., 1984)	November 23, 1984	0

[1]

1. <http://hunterlawfirm.net/wp-content/uploads/2013/05/BurtsWVSupCtCase.jpg>

Practical Technology Tips For a Small Family Practice (2013-05-04 00:18)

Practical Technology Tips for a Small Family Law Practice

J. Burton Hunter III

J. Burton Hunter III and Assocs, PLLC

hunterjb@hunterlawfirm.net

[1]

Above is the title to my recent seminar presentation. The slides are at my professional Facebook Page, J. Burton Hunter III and Assocs, PLLC

I promise there are lots of practical tips. That's where we got the name!

Burton Hunter

10.9 April

LOW TECH - PRIORITIZATION (2013-04-26 21:21)

1.

The Book?

Effective Time Management (Using Outlook);

Seiwert

and

Woeltje

2.

Eisenhower Matrix: p.p. 38-43.

3.

I have seen this in other forms, but the basics are simple, but hard to stick to.

4.

Urgent And Important

: DO IT OR SCHEDULE TIME TO DO IT!

5.

Urgent But

N

ot

I

mportant

: the daily tasks we “have to” do, but are usually more important to the person putting the demand to on you. (Deal with it, delegate, quick e-mail reply, or schedule a part of your day, but realize what they are. Sometimes just say no.

6.

IMPORTANT but not urgent.

a.

These are the new office system you are working on, the form file you were going to create, or the book you are going to write.

b.

Fight, fight, fight, to set aside time for your IMPORTANT but not urgent tasks, and give your staff time to do them, and explain this system to them. (I use e-mail to deal with these, copying others, but e-mail does create or allow more of them.

c.

HAVE important but not urgent projects. That's how you progress in life and in your profession.

d.

The same principle works at home, building that deck, planting that flower bed, etc.

LOW TECH, SUSPENSE, SUSPENSE, SUSPENSE! (2013-04-26 21:16)

1.

You can't get much lower tech than a plastic banker's box with 31 drop folders.

2.

Number them for the days of the month.

3.

Put a copy of each outgoing piece of correspondence, pleadings, discovery, in on of those folders. Depending on the item, put it out there 2, 3 or four weeks.

4.

Check the numbered folder EACH day for that number of the month!

5.

Follow up or re-suspense as necessary.

6.

I told my secretary of 40 years ago I still use that method, and she had a hearty laugh.

7.

She had “computerized the suspense system for “ The Rome Air Development Center at Griffiss A.F.B., N.Y. years before.

8.

Of course, we calendar everything also, using Outlook,

and it is time to review whether this simple system is needed, but I have followed up tens of thousands of requests, messages, reminders, and actions using this simple daily habit. Nothing is cheaper.

9.

NOT EVERYTHING HAS TO BE HIGH TECH.

10.10 March

Why Play by the Rules? (2013-03-27 21:38)

Discovery Is Not a Knife Fight

[1]

The movie drunk with the knife once famously said to actor Paul Newman, "There ain't no rules in a knife fight!". Paul's character had asked him, the much larger man holding the knife, who was getting ready for the barroom brawl, for "the rules", and upon getting that answer, Paul's character kicked the drunk in the balls and picked up the knife, ending the fight.

The practice of law has rules.

"Mr. Hunter, why do you insist I answer "discovery questions" posed by the other side, when the other side does everything to avoid answering ours?"

This is a fair question that I am frequently asked. It reminds me of my sons' high school soccer days when we could see other team's coaches were teaching the grabbing of jerseys and overreacting to slight fouls, and how World Cup soccer players faked injuries late in games.

And then there are the Barry Bonds, Lance Armstrongs, Tiger Woods, and Roger Clemons of the world. Tiger's new Nike ad says, "Winning Cures Everything." Does it?

More simply put, **"Why follow the rules when the other guy is cheating** (and seems to be getting away with it) ?

Recently, in the State Bar Journal, WV Supreme Court Chief Justice Menis Ketchum II posed the problem as follows:

In the waning years of my four decades of law practice, and in the last three years reviewing appellate records, it has become apparent to me that a perverse culture of obstruction has developed regarding pusillanimous interrogatory objections and prefatory instructions. This culture condones and encourages lawyers to rely on the discovery process (the way lawyers obtain information from

the other side under the "discovery rules" of the WV Rules of Civil procedure.) as a means of abusing an opponent. The strategy of many lawyers is "give as little as possible so [your opponent] will have to come back and back and back and maybe will go away or give up. These lawyers will do anything to keep from having to appear in front of a jury.

Justice Ketchem goes on to dissect the behavior of the lawyers who are part of this culture. I agree with him completely, and have written about "Disengenuous Lawyers" and "Short-sighted Lawyers" in this blog.

My answer to my client is:

1. By answering the questions completely, and reserving only privileged or confidential material, the other side is helping us to prepare our case, and we are showing the other side that we have a strong one. Acting like you have something to hide just motivates the other side to dig harder.

2. And, as silly as it may sound to my cynical colleagues who want to win at any cost, I am an officer of the Court who has taken an oath to respect the Court and its rules. That's what I intend to do.

3. I explain to my client that this abusive behavior is the very behavior that caused the divorce or controversy in the first place, and that lowering ourselves to the other side's level is not the best course of action.

4. I promise my client that if the other side is foolish enough to take us on in a contested trial, I will punish them , within the rules, for the way they have behaved. The Court is the referee, and if the referee sees a cheater, he knows how to deal with him, most of the time anyway.

5. I also persistently and consistently follow the rules in working to get the other side to give us what we are entitled to, costing that party money and grief until he gives us what we ask or the Court can see he is hiding it.

The "discovery rules" require the other side to answer most reasonable questions. An objection based on "relevance" does not allow the other side to refuse to answer, although the lawyer "culture" described by Justice Ketchum does just that.

[2]



A partial or incomplete answer is a failure to answer, but try to convince my "disengenuous" colleagues of this.

A claim not to have a document that the party can readily get from his employer or bank or credit card company is a refusal to answer.

Some lawyers are just too lazy to push the client to get the answers or the documents. **Some do not care.** **And some, quite frankly, are cheaters.**

Perhaps you think one of those cheaters will be better for you, but remember this:

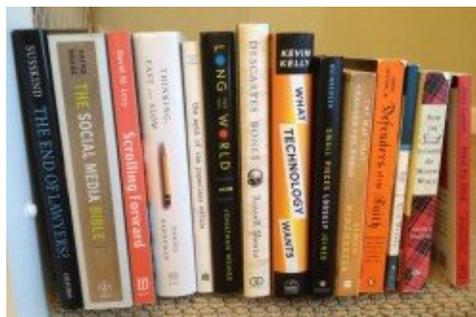
1. The cheater will cheat you. Why do people who have affairs with married people think that person will be faithful to them? I never understood this.

2. The cheater does not care about you, or your children, or your family, or the greater good. **The cheater cares about.....the cheater of course.**

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/KnifeFight.jpg>

2. <http://hunterlawfirm.net/wp-content/uploads/2013/05/MeetingYourLawyer.jpg>

A Small Town Lawyer's Reading List (2013-03-17 23:02)



[1]

I have been asked to present a 50 minute seminar on the topic of Law Office Technology.

I started to compile a list of books that I have used, over the last ten years or so, as the foundation of my understanding of the modern world. It is more a bibliography than anything that a particular lawyer needs to read on a particular day.

I have mentioned some of these books in prior postings, and they definitely are with me when I write anything. Some are easier reads than others, but they are solid writings, by Pulitzer Prize and Nobel prize winners. All that are rated on Amazon are four stars or better. Here they are:

1.1.

Reading list:

1.1.1.

Night, by Elie Weisel; 120 pages by the Winner of the Nobel Peace Prize. "A slim volume of terrible power." New York Times.

1.1.2.

Future Shock ; by Alvin Toffler; a must for anyone wanting to understand the modern world; \$01 used at Amazon; \$.99 from Kindle;

1.1.3.

Anything by Asimov, Heinlein, Silverburg, Clark, etc. They gave me perspective

1.1.4.

What Technology Wants: Kevin Kelley (The formula? 60 % of new technology is positive, and 40 % is negative. That comports with my experience.)

1.1.5.

The Courtier and the Heretic : Leibniz, Spinoza, and the Fate of God in the Modern World; Matthew Stewart

1.1.6.

The Clockwork Universe, Isaac Newton, the Royal Society, and the Birth of the Modern World

1.1.7.

The Song of the Dodo : Island Bio-geography in an Age of Extinctions by David Quammen

2.2.8.1 Collapse: How Societies Choose to Fail or Succeed: Revised Edition ; Jared Diamond

2.2.8.1 Guns, Germs, and Steel, Jared Diamond

1.1.8.

The End of Lawyers, Rethinking the Nature of Legal Services, Richard Suskind (boring, boring, boring! I do not see this impacting our world in WV, except on short term such as "LegalZoom.com".)

1.1.9.

The Social Media Bible, Tactics, Tools & Strategies for Business Success, Lon Safko and David K. Brake. (My version is 2009; new version May, 2012; very comprehensive, 800 pages, but not a "how to" book.

1.1.10.

The Myth of the Paperless Office, Abigail J. Sellen and Richard H.R. Harper (2003, also outdated, but it defines the challenge. The basic premise, "paper-less", remains true.)

1.1.11.

Scrolling Forward, David M. Levy, also outdated 2001, but a favorite of mine. Contains a history of the document.

1.1.12.

Thinking Fast and Slow; Daniel Kahneman; a tough read by a Nobel Prize winning economist/mathematician on how our thinking tends not to comport with reality.

1.1.13.

The Map that Changed the World; William Smith and the Birth of Modern Geology; (The creator and creation of the first geological map of Great Britain.)

1.1.14.

The Beak of the Finch: A Story of Evolution in Our Time; Johathan Weiner: a great little primer on evolution, and how it works in our time.

1.1.15.

How the Scots Invented the Modern World: "The True Story of How Western Europe's Poorest Nation Created Our World & Everything in It", by Arthur Herman.

1. 1.16.

Small Pieces Loosely Joined; "A Unified Theory of the Web", by David Weinberger. 2002. It helped me get a handle of this amazing thing, "The World Wide Web".

1.1.17.

Defenders of the Faith, "Christianity and Islam Battle For the Soul of Europe (Suliman and Charles V, Henry the VIIIth and Pope Clement), by James Reston, Jr. A gift from my wife Nancy. Some roots of the conflict of Islam, Christianity, and the world.

1.1.18.

bird by bird, by Ann Lamott; a great little book; "Some Instructions on Writing and Life".

1.1.19.

Effective Time Management; by Lothar Seiwert and Holger Woeltje. I good tutorial and reminder of office time management based on Microsoft Outlook.

1.1.20.

Edwin Newman on Language, Strictly Speaking and A Civil Tongue; Old school but great stuff; no "hopefully" or "healthy food".

1.1.21.

The Metaphysical Club, A Story of Ideas in America, by Louis Menand, Winner of the Pulitzer Prize. The story of the American thinkers of the Ralph Waldo Emerson, William James, Oliver Wendell Holmes Jr., John Dewey, and many other American thinkers of the 19th century.

If this isn't enough, controversial writings of the anti-religionists (atheists/skeptics), Sam Harris, Christopher Hitchens, and Richard Dawkins argue, a tad arrogantly, for rational thought and against superstition, and are always entertaining, and the books of Malcolm Gladwell, such as **The Tipping Point** , **Blink** , and **Outliers** , are thought provoking but not necessarily scientifically confirmed.

Anything by Bill Bryson is entertaining and informative, especially "**A Short History of Nearly Everything**".

Finally, for a whopping big novel, Charles Dickens' **Bleak House**. Also, The **Checklist Manifesto**, which makes the case for checklists in nearly any human endeavor, and the story of cancer, **The Emperor of Maladies** . I could go on, and probably will. Happy reading.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/Books.jpg>

What If I Hire a Divorce Lawyer (2013-03-08 21:04)



[1]

I was tempted to cover my family law, personal injury, and civil trial practice in one article. That will not work. They are different, and deserve their own space, as does the mediation process.

Today, I focus on the process of hiring me and achieving your "fresh start" in life via divorce. For reference, you may want to read "Divorce 101 - Handout, Oct 5. 2011 - [2]<http://tinyurl.com/b4h7ggw> .

Here is how it goes:

1. I WILL discuss your case with you, in some detail, over the phone. I like to chat. I am good at it. I can answer questions. I am willing to take the risk of the cynical person who calls around just to knock a lawyer out of a potential case by a conflict. Some day I may change, but for now you can have 10-20 minutes of my time and a quotation of my fee over the phone.

2. I have 5-10 questions to ask you before you get to "tell your story", such as:

a, What county?;

b. Length of marriage?;

c. Number and age of children?;

d. Serious issues of fitness, substance abuse, physical abuse, mental abuse, sexual abuse, or danger?;

e. Assuming parents are fit, what was the approximate share of the "caretaking functions" each parent provided the child/ren during the one year period and two year period prior to separation? This is a big one;

f. Type of property? Real estate? Personal property? Property acquired during the marriage? And property acquired by inheritance or by gift from someone outside of the marriage?;

g. Values of the property?;

h. Amount and nature of your debts? Is it secured by property? Or is it unsecured?;

i. What is the caller's main immediate problem or concern?;

k. Is there an alternative to a divorce; and,

l. Has either party already filed?

3. From there, we can move to a range of issues. Whether you can afford a lawyer?; how long to obtain your retainer?; are you hoping to move away or keep a spouse from moving with the children?; are you in immediate danger?; is there a pending domestic violence petition, a DV order, or a pending criminal charge, a

girlfriend, or boyfriend, etc.?

4. If you will answer those questions, I will quote a retainer, usually one that is sufficient to get us through settlement negotiations or mediation. 80 % of cases settle at that stage.

5. I will quote an up front retainer. Part of that retainer is based on an hourly fee and part on my experience, discounts, and other factors. Typical retainers are \$1050; \$2050; \$2850; \$3500; or \$5000. I will quote the fee, based on my experience, by number and seriousness of the pending issues.

6. \$1050 of my fee is a consultation fee/retainer with a built in discount for all but the simplest cases. As an example, let's pick the middle rate of \$2850. I usually agree that no further fee will be charged unless we go over, in combined services and costs, \$3350. After that, I usually agree to discount my hourly rate by 25 %, or at least \$50 per hour.

7. That "double discount", the \$500 cushion and the reduced hourly rate, and my vast experience, and other factors, entitle me to have the minimum consultation fee of \$1050 to be non-refundable.

8. In other words:

a. If I do \$1850 worth of services and costs, you get a \$1000 refund;

b. If I do \$2850 worth of services and costs, you are charged \$2850; no refund due;

c. If I do \$3350 worth of services and costs, the \$2850 retainer covers it;

d. If I do \$5000 worth of services and costs, at my usual rate of \$200/hr. (but probably soon to increase a bit), you pay the \$2850 plus, less \$500 for the first discount, less 25 % of the unpaid balance, which equals \$4085.50 paid for \$5000 in services and costs. Get it? If not, read this paragraph again.

9. It sounds a bit complicated, but clients understand it. We reduce the fee agreement it to writing and give the client a copy. Clients appreciate the "double discount" and my willingness to "share the pain" if the case does not settle.

10. In the office, for our first interview, we spend around two hours together.

11. I educate you on the law.

12. I ascertain more essential facts.

13. I share with you my proprietary, and the WV Supreme Court's mandated, intake forms. (I give you the "worksheets" described in my blog post "More About Organizing Your Case"; [3]<http://tinyurl.com/ctcvsew> .

14. These forms create the structure that let's me identify the people, documents, things, events, and places that make up your case.

15. We put together a game plan:

a. We decide where will you stay after you file?;

b. Will you tell your spouse ahead of time?;

c. What do you do under certain contingencies?;

d. Do you need a safety plan?; or to file a domestic violence petition?

e. Will there be a "tug of war" over the children;

f. Then, you are assigned "home work". The better job you do, the more savings you will have. The more work you do, the less you have to pay the lawyer. Be prepared to work in order to protect yourself, your rights, and your children.

16. At the end of that first interview, the client often says, "I feel much better now." And so he or she should feel. They have a plan and an attorney with the staff, facilities, and experience to help them carry out that plan.

17. Sometimes it is a "piece of cake", or the lawyer makes it look that way. At other times, it is "a war". My opponents should know that they do not want a war with me. I have the scars to show I can fight hard and fair for a just result.

If you have read this far, you have a very accurate picture of what it is like to hire me as your lawyer. Once the facts are collected, settlement overtures made, temporary issues addressed, mediation scheduled and attended, and even a trial conducted, you will be ready for the next challenges in your life as a single person!

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>
2. <http://tinyurl.com/b4h7ggw>
3. <http://tinyurl.com/ctcvsew%C2%A0>

Fundamental Precautions - Before and After Your Serious Collision (2013-03-06 13:26)



Folks; I am well aware that I sound like a nanny, but that's what you are paying me for, or would pay me if I were your lawyer.

This is for free. Please try to imagine; you are laid up at home, can't go to work, wheelchair in corner, lying in that recliner, with your arm in a cast in traction and your leg in a large metal brace. Your spouse is frazzled

and anxious.

You can't get the noise of the collision out of your head. Nor can you forget the \$80,000 of medical bills you have received, much, or all, of which is not covered by a medical insurance.

If you are "lucky", you were hit by a Fed Ex truck. In such cases, caused by the driver of a commercial vehicle, you may receive something close to "full reimbursement", IF you have a good lawyer.

But, if you are "unlucky", you were hit by someone with little or no insurance. In WV the per person liability minimum requirements are \$20,000. Compare that to this hypothetical with a claim value of \$200,000 - \$1,000,000 depending on lost income and permanency.

Of course, in such cases, you turn to your own insurance carrier. How can it help? Because you can purchase "uninsured coverage", "U.M.", (it is mandatory you carry at least \$20,000 per person), or underinsurance, "U.I.M."(which you can waive).

Let's say the other guy has \$20,000 in per person liability coverage. That's almost nothing.

You tell your sales agent, and she breaks it to you that there is a "Bias Waiver" in your file where you waived underinsured coverage. You are screwed.

You are going to lose your job, your house, your savings, your retirement, and maybe that beloved spouse. Talk about "picking up the pieces". There are hardly any pieces.

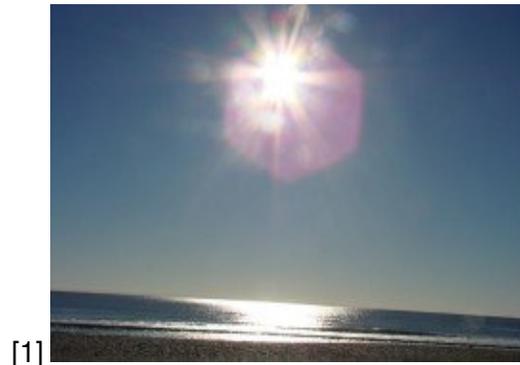
I refer you to my earlier blog posts. Search for "insurance" or "coverage" or "umbrella". The solution? Up your UM and UIM coverage, and if you can afford an "extra \$200", bet a personal umbrella but MAKE SURE the agent offers you UM and UIM coverage. In at least one extreme case, the agent did not and we had to recover under the agent's "errors and omissions" coverage.

Our state Delegate, Bill Hamilton, is co-sponsoring a bill this year to increase minimum coverages. I support it, but the real solution is to purchase the insurance protection you can afford, and realize you cannot afford not to!

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/fatalcollision.jpg>

10.11 February

Reflections Upon A Working Vacation (2013-02-24 17:54)



For those of you who only follow this blog, a lot more has been happening than shows up here:

1. On February 18, I posted a piece to my blog "WV Lawyer - Tips and Techniques", discussing my working vacation, goals, and challenges;

2. Last year my aim was to complete my blog book, same title as this blog, and upload it to Blogspot, which I did.

3. My goals this year were unrealistic, but here is what I did:

a. **Completed the aforesaid blog article;**

b. **Completed revised Pathogoras Templates** for divorce petitions and counter-petitions.

c. **Learned the new blogging platform for my Findlaw website** [2]www.hunterlawfirm.net and carefully copied and upgraded 8-10 of my best blog articles.

e. **I learned to optimize the articles by "tagging" them with appropriate key words,** category, etc.

f. I added new photos and illustrations, many of which were my own photographs.

g. I attended two hearings remotely, dictated several documents using Dragon, and e-mailed them to the office, and fielded and responded to, dozens and dozens of e-mails. The staff finally figured out I was not going to call someone back or try to reel in a new client, and took on the responsibility of doing those things for me. Thanks staff!



[3]

h. Spent hour after hour with the person I love to be with more than any on earth.

i. Ate, ate, ate, and ate. We learned one thing well. The American food industry has developed a sophisticated web of inducements, pricing, portion manipulation, and marketing to assure we will eat too much of the wrong thing.



[4]

j. Salads end up with cheese and bacon; everything has lots of added salt; portions are gargantuan, and the things you can grab and eat at a drive through are almost always bad for you. This fried fish platter included over a lb. of fish, claw, and fries.

k.. We accept full responsibility, but it will take 3-4 weeks just to return to where we were before we left. After I lose that 8 lb., I have the 20 left I was working on. Back to Mandy Engberg's Yogalosophy and long

walks with Duffy.

I. After leisurely sleeping in until 8:00 a.m., Nancy began to charge around, restoring order to our word, and I am spending an entire day with Pathagoras, trying to finish the project I started, of doubling the forms and features I need for document assembly.

m. Bottom line? I highly recommend to my clients and colleagues that you get away whenever possible. If you can leave it all behind, so that. If you can explore a new world, such as Hawaii, Ireland, or Egypt, or Israel, to that.

But, if the only way you can justify to yourself a break away from the routine is a "working vacation", I strongly recommend that you to so.

And I can't think of anywhere better than Savannah, Amelia Island, or Jekyl, or St. Simons, as the quiet, comfortable, place to do so.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/02/DSC08795.jpg>
2. <http://www.hunterlawfirm.net/>
3. <http://hunterlawfirm.net/wp-content/uploads/2013/02/DSC08810.jpg>
4. http://hunterlawfirm.net/wp-content/uploads/2013/02/IMG_1956.jpg

The Value of a Working Vacation (2013-02-18 23:05)



Exactly a year ago, my wife Nancy and I were doing much as we are this year, taking a mid-winter working vacation. But, nothing stays the same, and I have learned much in just one year. We are not world travelers, but once a year we try to get away by ourselves. During the last several years, we have had lovely stays at The Inn On Palmetto Sound on the Outer Banks, Savannah Ga. where son Chris and daughter in law Sarah were married, Charleston S.C. where John and Bonnie were married, St. Simons Island and Jekyl Islands, Ga. and Amelia Island, Fla. Gone are the days of pairing the trips with the Gator Bowl.



[2]

Last year we justified the trip by committing to work at least six hours a day. Last year Nancy was my editor. This year she gets to catch up on her reading. I will write a few more articles, spend at least a day updating and improving my best Pathagoras (document assembly) forms, and do my best to learn Findlaw's new blogging platform and to copy my best blog articles into [3]www.hunterlawfirm.net

I wrote two blog articles in Perspectives of a Small Town Lawyer in Feb. 2012, "What Can a lawyer Learn on the Road?",

[4] <http://tinyurl.com/7d8u6nl>

;

and "Burt's Criticism of Religion and Religiosity",

[5] <http://tinyurl.com/6lu7dyx> .

I didn't begin writing my blog seriously until 2010, when I had 65 posts. In 2011, I posted 46. In 2012, I posted 21 in "Perspectives of a Small Town Lawyer", but also converted the blog into a Kindle Book, and began "WV Lawyer Tips and Techniques", which now has 24 articles. That's nearly 300 pages of things I have learned and am learning about the practice of law and life.



[6]

I began this trip at the WV Association for Justice Annual Mid Winter Conference and Seminar. Charleston Lawyer Bobby Warner had an excellent presentation on improving office efficiency and productivity, and a fellow named Mike Hemlepp of P3Solutions of Charlotte N.C. presented on a topic "Lessons from Waffle House: Improving Customer Relations Without Losing Your Law License.

Here are some ideas that I hope my staff will consider. We try to do these things already, but it is nice to be reminded:

1. Clients must be treated with respect. And the client must receive a quality product, timely completed, with creativity and passion.

2. **It is important for my receptionist and paralegal to know the clients by name**, to speak that name "Mr. Jones" or "Ms. Smith."
3. **We must not keep them waiting unduly.** Anyone who has been to a doctor more than a few times knows that feeling of being kept in a crowded room where the assumption is the doctor is doing you a favor to see you.
4. **I try to show respect by making sure the client knows the process**, by urging them to become educated in "the rules of the game."
5. **I have the clients come to all hearings and status conferences**, so they become acclimated, and so I can update them and be updated by them.
6. **The client with the small matter, or who is paying the smallest fee, must feel we appreciate his/her business.** No one knows whether that person will be the one whose family member or friend is in the horrendous collision that will lead to a "seven figure" personal injury settlement or verdict. Jesus was oh so right to point out that when we treat a beggar or homeless person with compassion we are doing good by him.
7. **Bobby has a unique talent in drawing in new clients and business.** Most lawyers cannot fully emulate what he does. His marketing strategies are not mine. Practicing here in Buckhannon, I probably could still utilize my advertising budget by having the best visibility in the Buckhannon, Weston, Elkins, Philippi, and Clarksburg telephone directories. Instead, I am still betting the Internet will be king.
8. **I began a commitment years ago to the Internet** and was disappointed in the slowness of North Central West Virginians to search the web for their lawyers.
9. **Things are beginning to change.** I get a kick of a new client who has read some of my stuff in the Internet and found it worthy or helpful. I have not given up The Yellow Pages, and I have not put great \$'s into in Internet, but I pour lots of my time and thought into it. My article "How I Got My Score Over 50 On Klout.com" [7]<http://tinyurl.com/6qntknn> addresses a number of the thing I have done to improve my visibility on the Internet, but key to it is provide valuable information and insights. Give it away because I enjoy sharing, but also because **I am confident a person who has been well treated and helped will show gratitude in some way.**



[8]

This year we are more adept at using our on the road technology. Siri guided us to the last room at the Hampton Inn Express on the Savannah River. She found nearly every restaurant we visited. And our Garmin was very reliable except for not knowing the Starbucks was INSIDE the nearby Krogers! The next 5 years will have the following changes:

- a. Sirius/XM radio will give way to podcasts and material on the WEB.** We spent a few hours listening to TED lectures until the battery in my rechargeable speaker gave out. I see there is a simple outlet for "auxiliary" so next time I will just plug my iPhone or iPad into my radio;
- b. CD's and DVD's will give way to streaming video and audio;**
- c. Netflix likewise will abandon the model of ordering CD's and provide its content via the Internet.**
- d. Everyone will live and die by their ratings, just as restaurants and hotels are doing now.** This is ominous for family law lawyers who make enemies just by being hired. We can be criticized by our client of course, but also by our adversaries. The key will be staying steady, honest, productive, and ethical. Our detractors will be there. They just need to be substantially outnumbered by our "fans".
- e. A viable "self driving" car will become rather clear on the horizon.** Just as with HD t.v., cam-corders, and computers, at first they will be too expensive for "the little guy".
- f. People will become consumed by their devices.** The clamor will get louder decrying "texting while driving", smart phones in public, and the dumbing down of our culture, but NOTHING will even slow the instant communication. The smart ones will use this connectivity and instant access to make their way in the world. Our capabilities will multiply, but so will our vulnerabilities. **It will be an "interesting time."**
- g. One of the TED speakers said, "Stay healthy for 20 years, and you can hang on for another 200-300 years."** That may well be true for today's 20 year olds. If I am well at 80+, then 100 + should sure be a possibility.
- h. NPR has something called PRX.com with lots of quality material available for download.** I have signed up for my free account.
- i. Spotify provides virtually any musical content for \$5/month.**
- j. The Teaching Company and Other sources will provide streaming college courses. We finished the 48 session "The History of Ancient Egypt" by professor Bob Briar on this trip.** It was, by far, the most interesting college course I ever heard.
- k. Facetime, Skype, GoToMyPC, PCGoToMeeting, and, of course, YouTube and Wikipedia will continue to improve,** connect, and magnify our potential.
- l. If you are spending one minute complaining about these changes instead of adapting to them, you are falling behind.**

[9]



I hope you have some time to get away,

recharge your batteries,

and be with a person, or persons, you love.

It is a special pleasure.

1. http://hunterlawfirm.net/wp-content/uploads/2013/02/IMG_1862.jpg

2. <http://hunterlawfirm.net/wp-content/uploads/2013/02/Willenius1.jpg>

3. <http://www.hunterlawfirm.net/>
4. <http://tinyurl.com/7d8u6nl>
5. <http://tinyurl.com/6lu7dyx>
6. http://hunterlawfirm.net/wp-content/uploads/2013/02/IMG_1816.jpg
7. <http://tinyurl.com/6qntknn>
8. <http://hunterlawfirm.net/wp-content/uploads/2013/02/AmeliaHamptomRoomView1.jpg>
9. <http://hunterlawfirm.net/wp-content/uploads/2013/02/NancyHamptonDiningArea.jpg>

Burt's Nerdy Videos, Pathagoras Document Assembly, and the Sony rx100 Camera/camcorder (2013-02-12 01:12)



If you have a few minutes, I think you will enjoy this serendipity.

Pathagoras # 1: [2]

<http://tinyurl.com/ahsrtd>

(A Roy Lazris trick to select paragraphs in advance. Not for everyone. Just hit "Alt p")

Pathagoras # 2: [3] <http://tinyurl.com/b58dwca>

(The form questionnaire. This is all I use, and it seems to be faster than using both. Just hit "Alt d".)

Pathagoras # 3:

[4] [http:// tinyurl .com/bdb27q5](http://tinyurl.com/bdb27q5) (After filling out the questionnaire, hit “next” and voila’ ! The Petition and Temp Motion are complete.)

Subway Takeout Cup! : [5]

<http://tinyurl.com/as8bpwp>

(The best takeout cup we have found.)

Sony rx100 Digital Camera/HD Camcorder:

[6]

<http://www.dpreview.com/reviews/sony-cybershot-dsc-rx100>

Once in a while I encounter a device almost too good to be true. This camera is rated five star by PC Magazine and 4.6 out of 5 by Amazon.com. It has a huge sensor and 20.2 megapixel photos. Video is HD and rated “perfect”. It has a stereo microphone. And fits in your shirt pocket. Unless you are a professional photographer, or just have to have a DSLR with interchangeable lenses, you will never outgrow its features.

If you have a DSLR, this is the one to carry when you need something smaller.

I had fun with this stuff; hope some of it is of use to you.

Burt

1. <http://hunterlawfirm.net/wp-content/uploads/2013/02/Sony-rx100.jpg>
2. <http://tinyurl.com/ahsrtfd>
3. <http://tinyurl.com/b58dwca>
4. <http://tinyurl.com/bdb27q5>
5. <http://tinyurl.com/as8bpwp>
6. <http://www.dpreview.com/reviews/sony-cybershot-dsc-rx100>

Why Do You Bring Your Client to Every Hearing? (2013-02-04 21:58)

[1]



I believe, whenever possible, my client should accompany me to court, even when we are meeting the court in chambers for a "scheduling conference", or a "status conference" or a "pretrial hearing".

Other lawyers reply, "That makes no sense." And even a judge recently said, I am not going to make any rulings today, why waste your clients' time?

Here is my answer:

1. When I arrived in Buckhannon from the USAF JAG Corps., Circuit Court Judges still heard divorces. One judge in particular brought us into his office "just to find out the issues". He had an infuriating habit of sizing things up after just a few words from the lawyers, with the clients sitting outside.

2. I practiced summarizing my case into one or two sentences. That helped a bit. But it still felt like Russian Roulette. And I always hated to bring the client bad news and feel the client thought I had sold him out.

3. Once he told my opponent to go tell his clients they had lost. I thought the lawyer would blow the top of his head sky high as he explained to the judge through clenched teeth that they had flown in from Ca. for the hearing the judge was trying to deny to them.

4. For nearly 40 years, I have been bringing my clients to each hearing unless there are exigent circumstances. I show them the courtroom, the witness chair, where the court reporter sits, the jury box, and any else I can think of. I have heard excellent trial lawyer speakers at continuing legal education suggest this very thing. Usually I learn something I would not have learned or answer questions that need answering.

5. I figure the case was important enough for the client to hire me, so his missing work is justified. I trust he will tell me if it is serious problem.

6. During a surprising percentages of cases, something important happens at that hearing. Perhaps the other lawyers didn't bother to have his lawyer there. Maybe the Court wants to schedule something for the week of my client's vacation. Maybe the Court has a question that only my client can answer. I have seen it all.

7. Today, my client had some important evidence to share with me, and I was able to tell him his case had been continued and mediation ordered. These were both good things, **BUT what about the time when something BAD happens and the client is not there?** This is why I believe it is unconstitutional for a judge to bar a litigant from sitting next to his lawyer at any hearing and why the recorder should be on for every hearing or conference.

8. Just think of the lawyer who had to tell his Ca. clients they had lost. That was 40 years ago, but I still remember his anger and embarrassment.

So, if your lawyer does not stay in regular contact, copy you in e-mail and other correspondence,

and have you physically present at every hearing, I suggest you consider whether you have the best attorney for that particular job.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>

Effective Preparation of a Case - For Mediation and Trial (2013-02-03 19:18)



This morning I was listening to our preacher preach, (of love, hope, and faith, the most important is love - see I really was just resting my eyes!) and pondering the subject of my next blog article.

Just a moment ago, I realized I had written it. When I got home from church, I had another frustrated e-mail from a client who finds my way of organizing a case to be confusing and frustrating. Here below is my effort to clarify it for her.

Dear (Frustrated Client):

For some reason, we have trouble understanding each other via e-mail. I just wrote below a little mantra of how to be prepared. I was NOT implying you are not focused. I was trying to answer your questions with a reminder of something we have covered several times. If you want to do some research on living expenses in Ohio, that's great. And, I have no "new" instructions for you. I have said it several times. Here is the summary;

In preparing for a divorce:

a. Gather information/evidence to establish the **services provided for the children** the two years prior to separation. (That is; evidence to support the estimates you have put on your caretaking functions worksheets. This includes school records of visits to parent teacher conferences, medical records showing you took the kids to the doctor, and witness statements such as the homeroom teacher or the doctor's PA., or neighbors, houseguests, family, and friends. These witnesses are, of course "objects" in your case.)

b. Identify all assets, real estate, personal property, vehicles, cash, retirement funds, etc. and list them, and include them in our disclosure to the other side.

c. Identify all debts, by creditor, account number, whether secured (car house) or unsecured (credit cards, medical bills).

d. Ascertain all income, yours and your husband's.

e. In alimony cases, put together a plan of economic rehabilitation. And complete the three column budget, a. the household/family budget during the marriage, your budget during the divorce, and your budget as a divorced woman. All entries must be average monthly.

In doing these things, we follow some general principles, which I learned from the (Lexis/Nexis) Casesoft software:

a.

Create your **object list** , the people, documents, and things that make up your case. I have worksheets, but in a divorce they are a bit redundant since we have some court provided, and proprietary, forms for you to fill out which help you locate those objects, but the “object list worksheet for people” is really helpful. The caretaking functions worksheets, and the Supreme Court’s financial affidavit form are examples of forms provided by the State.

b.

Maintain, by putting a title on a blank sheet of paper, any **lists of concerns, goals, questions, and suggestions**. These concise lists are critically important. Example? You could have a list titled “challenges to overcome if I am going to move to Pa.”, or “Reasons I was a more involved parent than my husband.” Or “Weaknesses in my husband’s parenting skills.

c.

Finally, in most cases we use the information in the two lists or sets of lists, to create a **chronology** of events in the marriage, separation, and post separation. We also call it **a timeline** .

That’s a summary of what I explained to you in our phone meeting, and what is in the two articles from my blog, **“Something Constructive; Organizing the Facts in Your Case”, and “More About Organizing the Facts in Your Case”** and the video appended to the first article. (search in [2]www.burtonhunteresq.blogspot.com).

You are doing well, but I fear the repetition is costing us unnecessary time/and you money.

I hope this helped.

Burt Hunter

1. <http://hunterlawfirm.net/wp-content/uploads/2013/02/TaxPrepPhoto.jpg>
2. <http://hunterlawfirm.net/>

10.12 January

Moving From Blogger? Or not really? (2013-01-23 23:20)



Create a blog. It's free. [Get started](#)



[1] Beautiful, customizable templates and layouts. [Try the template designer](#)

1. Monday I sent my colleague e-mail list a clip, using Snagit, of the Amazon Page showing the new **Fujitsu iX500 Scansnap Scanner**, and yesterday I sent them a link to "The Lawyerist" LAB, the top rated lawyer's technology blog.

[2] <http://lab.lawyerist.com/>



[3]

2. That is one great scanner, under \$500, 50 pages (25 sheets) a minute, nearly bullet proof, and bundled with Adobe Acrobat Standard X.

3. The Lawyerist contains such tips and much more. It is nationally know and full of resources.

4. I love to share helpful information. My blog WV Lawyer - Tips and Techniques, [4]www.burtonhunteresq2.com is much smaller in scope. It also is written for colleagues, although I am happy to have potential clients check that blog out too in order to see if I know my stuff. I love to share the things I have learned. If I give away a few "secrets", maybe it will improve my ability to work with my adversaries.

5. My original, and much more active blog is "Perspectives of a Small Town Lawyer, [5]www.burtonhunteresq.blogspot.com . It has 150 articles, and covers a broad range of legal topics helpful to the potential client and most West Virginians.

6. When I started, I found Blogger to be a much simpler platform to master. Wordpress has comprehensive features. I even bought a book on Wordpress, but my first article was posted to Blogger, and I have not looked back. Shortly after I started, Google purchased Blogger. It has continued to add features.

7. If you Google "J. Burton Hunter III", (Go ahead, I can wait.), the first entries you will see, after the paid Google "people finder" advertisements, are not links to my blogs. **They are links to** [6]www.hunterlawfirm.net , **my professional website.**

8. I hope you will check out this site. I am proud of it. But, I have criticised it in some of my posts. It is not cheap. West/Thomson, after all, is the biggest company in the "lawbook industry". And, until now, I feel my site has been too static. Even now, my staff photo is not current. (Stay Tuned.) And, the monthly newsletter, while informative, is written by a ghostwriter, NOT by me. **They say most lawyers are too busy to write their own stuff.**

9. There is a BIG RED button on my professional site's first page to each of my blogs. But that's about it. The rest of the content has been there for awhile.

10. Last month, I took a leap of faith. I am permitting my Findlaw site to host a blog for me also.

11. My sales rep, Jamie, called to advise that Findlaw now hosts a blog platform of its own. She assured me it is "just as easy as Blogger", and it links all the juicy content of my blogs to the power of the Findlaw site. It seems that as wonderful as my blogs are, they just are not that visible to web searches.

12. At first I had hoped that my Blogger blogs would simply link to Findlaw. It is not that simple. I appears I will have to write or post my articles to the Findlaw site in order to use its power.

13. Jamie has shown me my Blogger posts can be copied to [7]www.hunterlawfirm.net.

14. For the foreseeable future, I will keep the both of my blogs at the same location, but, during my working vacation later in February, I will be experimenting, writing, copying, and learning. I may reorder my articles and work on the table of contents and search features. He who does not change and adapt, especially to the Internet, is doomed to fall behind.

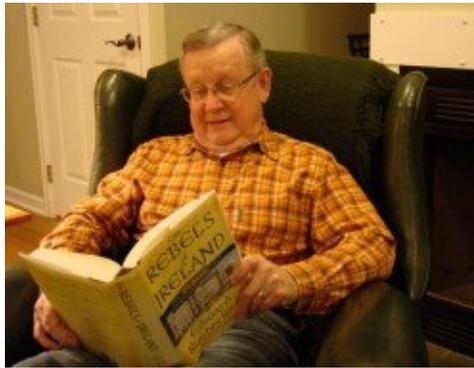
15. For now, if you have subscribed to [8]www.burtonhunteresq.blogspot.com and [9]www.burtonhunteresq2.blogspot.com , you will be fine. You will receive an e-mail of each post soon after I post it. But you may want to visit [10]www.hunterlawfirm.net and subscribe to my blog(s) there too.

16. Only when I am convinced I have all the benefits of Blogger AND Findlaw will I move entirely to the new platform.

17. As always, your questions, suggestions, and feedback will be appreciated.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/01/Blogger.jpg>
2. <http://lab.lawyerist.com/>
3. <http://hunterlawfirm.net/wp-content/uploads/2013/01/Scansnap.jpg>
4. <http://www.burtonhunteresq2.com/>
5. <http://www.burtonhunteresq.blogspot.com/>
6. <http://www.hunterlawfirm.net/>
7. <http://www.hunterlawfirm.net/>
8. <http://www.burtonhunteresq.blogspot.com/>
9. <http://hunterlawfirm.net/>
10. <http://www.hunterlawfirm.net/>

A Life of Reading (2013-01-13 00:47)



[1]

My blog book, published to Amazon Kindle, had my second grade photograph as the cover. That's just about the time that reading began to take a hold on my life. It is my reading that helps provide the perspective from which I view the world. I did not always love reading.



[2]

Neither of my parents, except for their daily Wheeling News Register or Wheeling Intelligencer, were avid readers. They were bright people, and interested in many things, but they much preferred a good conversation to a quiet read.

One incident sticks in my mind. We lived on West Park Street from my first to third grade, in the Edgewood section of Wheeling, WV. We were a block away from my elementary school, Edginton Lane. I had put off reading an assigned book and writing a book report. The year before I, in first grade, I had been reading Dick, Jane, and Sally, and now I was expected to read, understand, and report on, a book?

I think I was a pretty good student, but in the first grade I had been pretty much oblivious to grades, so much so that when I took my last report card to my grandmother, I had to ask her whether I had passed to the second. She assured me I had. What a relief.

I remember crying in frustration as my Mother came into the room. I confessed that just could not work my way through the book and write a report in the time I had available. She replied, "I will read it with you this one time, but next time you must start sooner." I assured her I would, and wish I could say I kept the promise. Even now, my life is a series of close calls, most of which we resolve in our favor.

I cannot remember the story, but I remember that it was a revelation to me that we could enter another world, just by reading the words. What had been a chore was turned into a fun experience because she new the words! She also helped me to write my report. Any grade is lost in the mists of time. (The next year, I got a small set of plastic dies of the letters of the alphabet and an ink pad. It was a crude printing press. I decided to write my own newspaper. Unfortunately, my limited vocabulary prevented any meaningful communication, but I remember the urge to put words to paper.)

By the second semester of the third grade, I was in Park View School, a few miles away. I returned to the school where I attended kindergarten. I have third grade class photos at both Edgington Lane and Park View. We moved up to a small rental farm house at the top of Park View Hill, for the second, of two, times.

I had been reading a lot, for pleasure, and was very pleased that the annual aptitude test said that I was reading at a fifth grade level, two years ahead of grade level. Just like golf or auto racing, if you are good at something, you tend to want to do it. Thus, my aversion to golf.

In the fourth grade, Mrs. Ellison startled and pleased me during our read-out-loud session. She asked for a show of hands from my class whether I or the smart girl in class was a better reader. They, of course, were unanimous in selecting Becky, but she said, "No, Burt puts more inflection into his reading." That fact I can remember that praise 56 years later shows the impact it had on me.

I also remember with sadness the excruciating experience of a girl we treated badly who could only identify "the", "at" and other single syllable words during her turn at reading out loud. Her memories of Park View are not likely to be good ones. I am very sorry June.

We had a "bookmobile" that came to our school every week. By fourth grade, I would get two books each week and read them, to the detriment to my studies. In fifth grade, three or four of my friends and I had a competition. Each of us read between 91-106 books that year. I read biographies of George Washington,

Babe Ruth, and many others, animal books such as Beautiful Joe, the Black Stallion Series, and books of boys having great times. There were also classics like Treasure Island, Robinson Crusoe, Gulliver's Travels, and an abridged version of Moby Dick.

My uncles had books as boys. I found a box full of them, with my uncles' names in them. Edgar Rice Burroughs' Pellucidar was a revelation. There was a series of boys who attended a private school. They swam down to a sunken ship and found a musty room that had remained sealed.

I read dozens of Hardy Boy books, all of them until I graduated from h.s. I have reread a couple as an adult. Not bad. They became a series on the Mickey Mouse Club t.v. show. They had "chums", a detective father named Fenton, and access to motorcycles, a car, and their boat, The Sleuth, which they anchored at Bayport. They also had girlfriends, and a pudgy friend who was always good for a laugh, Chet Morton. They never drank, cursed, or had sex.

When I discovered science fiction, my reading went ballistic. During high school we had study halls. We had to work on homework, but I put the book inside the textbook, and promised myself I would do the homework later. I was not a bad student, 10th-15th, in a bright class (everyone at Linsly got admitted to college, and I think we all graduated), but I rather startled my teachers to be one of six National Merit Scholarship semi-finalists, with vocabulary, spelling and English scores among the top one per cent in the nation. Capt Judy, in a rather back handed compliment, said that if I would bother to work, I could be a straight A student.

It was the standardized tests that helped me think of myself as a smart kid. The down side of this is there were other students, some with better grades, had the reverse effect because they did not test well. I had a knack of triangulating into the right true false and multiple choice questions. I credit my extensive reading. Truth is I was not a dedicated student.

I got lots of science from science fiction, and branched into many areas. My Aunt Elizabeth, Libby, got me a large volume with lots of photos of natural history. Dinosaurs, volcanoes, weather, gigantic mammals, and, of course, the evolution of mankind, were set out in colorful, detailed, illustrations. Much of it has since been supplanted, but the basics were there, and they were compelling. My Mother worried that the book was "making him sick" because I showed it, and explained it, to everyone I could corner.

When I appear to be rough on religions and religious pronouncements, it is my reading that is partly to blame. One cannot read biographies of Darwin, or The Song of the Dodo, or Jared Diamond's books on societies and civilizations, or the history of the Egyptians, or the work of the Leakeys, and also believe that water can be changed into wine, the dead brought back to life, or demons cast from a mentally ill person into a flock of sheep. That one was the subject of a sermon by my favorite minister. It very much bothered me as an insult to anyone with a "mental illness". How can a minister "minister" to someone he believes has a demon inside? And if he knows the demons are a metaphor, why insult the intelligence of his "flock" in pretending otherwise?

I certainly hope my thoughtful, intelligent, Christian friends do not believe in such things, Just as I can go to church and sing about Jesus being the "miracle man", others can attend and keep quiet on troubling issues. They do lots of good things for the church, its members, and their community. If it gives them peace and structure in their lives, so be it, but I think that anything supernatural should be recognized as metaphor or tradition.

No member should be ostracized or fearful of speaking out in favor of modernity, science, and truth.

I believe in living "an examined life"; that is, a life of self reflection. I believe we have a responsibility as sentient creatures to figure out "What's it all about Alfie?" Or, as Or, as Peggy Lee asked, "Is That All There Is?"

As I have blogged and video'ed, I also believe that extensive reading and study (including going back for formal education, or college courses such as those from The Teaching Company), and continuing legal education, make me a better lawyer, and a better person.

j.b.h. iii

1. <http://hunterlawfirm.net/wp-content/uploads/2013/01/BurtReading1.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2013/01/Burt2ndgrade.jpg>

The Education of the Perfect Paralegal (2013-01-07 02:35)



[1]

Few of my blog articles are motivated by so many factors. I am going to post this in both of my blogs.

We are faced with a manageable crisis in our office. The last time this happened, my remarkably efficient assistant walked out of our office on four days' notice. It was a crushing experience, but it had a happy ending,

until now of course.

The current crisis is that one of my best employees ever has informed us that she must move on in order to assume duties of a near full time stay at home mother. Consider that she has had four children in eight years, two of whom are under two. The plan was she would bring the little one to the office, which she has, but even though he is the prototype perfect baby, we have to have empathy for someone who does not want to "run a military household.

I am not mentioning names, but they know who they are. Fourteen years ago when my "Gal Friday" promised two weeks' notice and then told me at Friday at 4:00 p.m. she wouldn't be there on Monday my staff included two bright, eager, fearless, trainees. I turned over the responsibilities of a 36 year old marvel of efficiency to two young ladies whose ages totalled the one who was leaving.

Since then, each of them has graduated with honors from 2 year paralegal programs. Our steady billing and filing clerk/receptionist and my wife Nancy were the "grownups" during the transition to two paralegals, but J.... and L..... (remember, I said they are fearless) simply began doing the job of their predecessor.

And also since then, our experienced employee retired so she could care for her aging Mother, 2-4 trainees did not work out, or moved on, and we have been blessed to find a WV Wesleyan Honors graduate, who was accepted at law school, but elected to stay with us and get her own paralegal certification from W.V.U.'s online educational program

!

Yep; even though we are losing a wonderful person, we still have 3 experienced, competent, people. If you have read my other posts, you know I delegate well, am a bit obsessive, and have plenty of work for at least four staff members. I was so pleased last year that my staff had become so efficient that we did not have to replace our receptionist trainee when she left for home and pregnancy.

I wish our technical efficiencies would let us adjust to 3 full time staff members, but clients expect great responsiveness from us. We must be able to maintain efficiency through vacations, illness, and personal time. For me, that requires a staff of four.

So, I am going to list the personal attributes that I think an ideal paralegal training program needs for a practice like mine and the key knowledge that I believe a paralegal program should impart to its students;

What makes a near perfect paralegal/assistant for Burt Hunter?:

1. Intelligence. No doubt about it. I am smart, and you need to be smart to work with and tolerate me.

2. Fearlessness. I was, properly, gently chastised by a Facebook Friend for announcing a year ago that I was interested in finding an inexperienced, young, trainee. She wanted to know why not an older employee who had worked as a stay at home mother or in another field.

3. My response: If I can find a person who is bright, with acceptable fundamental skills, who has not been ruined by a traditional, non-innovative, office manager or lawyer, I can mold her (yes; I have never had a male assistant) to my way of thinking and doing things. When I try to train someone over 30, they tend to be rather flustered. Tears flow.

4. I am NOT an abusive boss. I am impatient. I am driven. I point out errors and demand that my employee correct errors, and fix recurrent errors.

5. Out of every 100 requests by an employee to take off time or adjust her schedule, I have tended to agree 95 % of the time. I encourage them to educate and improve themselves, I encourage them to bring the babies to work, and I agree to flex time: working at home a day a week, or even working a four day week. In return, when the staff is here, I expect focused, hard, work.

6. Even if my criticism causes a few tears, or my volatile nature causes occasional embarrassment, here's what I expect.

a. If I hurt a feeling or bawl someone out within earshot of a client, TELL ME if I hurt or embarrassed you.

b. I will try to do better next time, to adjust my level of criticism to something you can tolerate, and I sure will sincerely apologize.

c. But, in our office, we must care! When people care, there is passion, and when there is passion, there are occasional loud voices, anger, and "animated discussion".

7. A chronic challenge for me in dealing with graduates of B.U.H.S. is those graduates do NOT get sound grounding in English grammar, punctuation, vocabulary, and spelling. Part of this is societal,

but, in my opinion, part is a refusal of Upshur County to set high standards. It is embarrassing to spend an extra 20 minutes every day of my life showing bright, capable people where to put commas. We are talking of tens of thousands of dollars of wasted productivity because of a tradition in mediocrity.

8. Let me digress:

a. A prepositional phrase must have a comma;

b. So, also does a compound sentence. A compound sentence has two clauses, each with a subject and verb.

c. **A parenthetical phrase, or appositive, needs a comma AT THE BEGINNING AND THE END.** (Emphasis added.)

d. **If you put a comma where a period is indicated, you have committed the dreaded "comma splice"**. For Captain David Judy at Linsly Military Institute, a comma splice was a 20 point deduction, so a theme paper with a comma splice could never be graded higher than a C.

9. Let me digress further. (Farther is distance; further is degree.) Good food is "healthful", not "healthy". You hope, and I hope; but sprinkling "hopefully" gives no indication of who is doing the hoping. We want to return to normality, not "normalcy". And our staff is not going to call you "sweetie", "honey" or "hon". We occasionally end a sentence with a preposition or allow a split infinitive, but I was blessed at Linsly with superlative English teachers, Don Clutter, Capt. Judy, Capt. Gordon and others, and **I will keep correcting the fundamentals until you do it right. Why can't our English teachers do the same?**

10. Willingness to try things in new ways, learn new software, and help with office marketing are tremendous pluses in a good employee. I have failed to some extent in fostering this in my employees. Truth is, I work people very hard, and they seem to have trouble finding time to master the software and hardware we have, let alone new stuff. As a result, I go to lots of seminars, and I have to test and learn the new stuff.

11. The best employees care about our clients. They listen to them. They report accurately to me, especially when a client is frustrated and unhappy.

12. The best employees are not afraid to make decisions, gently chastise a client, act as a buffer when my blunt ways do not suit a particular client, and religiously follow our checklists, policies, and procedures. I must have files prepared in detail, pre-hearing, pre-mediation, and pre-trial checklists completed, witnesses

subpoenaed, and concerns reported to the lawyer.

13. Finally, a rare quality in the typical applicant for a legal assistant's position in a small town is someone who is well read, curious, and ambitious. People with these qualities often move away. This is a simple fact, but a person can decide to stay a "small town person" and still be interested in the larger world. When they are kind enough to work with me, I like to encourage these qualities.

So, you have found that employee with potential, what would I want if I could wave a magic wand to have the employee get proper **paralegal training:**

1. Since my practice does not include criminal defense (except domestic abuse and violence), **I would like my paralegal to focus on civil litigation, personal injury, insurance law, and the family court.**

2. I think a WV paralegal must know the rules:

a. The Rules of Civil Procedure. These cover preparation and filings of pleadings, motions, related affidavits and cover sheets. They also cover the "rules of discovery" which are key in gathering information from the other side about the disputed and undisputed facts.

b. The Rules of Evidence. The paralegal must understand things like "the hearsay rule". I have occasionally had an employee getting a "character reference letter" from someone when "character" is not a issue, and even though it is "hearsay". A good paralegal knows what statements are needed and why. They can be very helpful during negotiations. The paralegal must also be able to create a clear summary of what we believe the witness is going to say at trial. But, if there is a trial, we still need that warm body there. The paralegal must subpoena the witness or document in plenty of time to them to be at trial. It is essential for the paralegal to be able to interview witnesses, reduce the statement to a concise written statement, and follow up with the witness to get it proofed, corrected, and signed.

c. The Family Court Rules. Judges apply these rules differently, but even a self represented party is supposed to know the rather complex rules that determine procedures for practice in family court.

d. Appellate Rules. We appeal cases, from family court, to circuit court, and to the WV Supreme Court of Appeals. Magistrate Appeals also go to the Circuit court. Missing a deadline by a day can be fatal.

Paralegals must understand the sources of law in WV:

a. Until 1863, the law in Buckhannon was the same as the law in Richmond. They were both in Virginia!

b. Back then, much of the law derived directly from "The English Common Law". The common law was rules and traditions which our ancestors brought from England.

c. Even today, if a common law rule has not been changed in Va. and W.V. since 1863, the laws are the same in both states.

d. Our legislatures create statutes. They are contained in **The WV Code**.

e. Statutes and the common law are interpreted by the courts. Family Court, Magistrate Court, and Circuit Court may not change the law, even a bad one. The WV Supreme Court of Appeals can declare a law unconstitutional. An example was the law that required a divorced father to contribute to his child's college expenses. Apparently, Hawaii still has such a law, but ours was abolished because our supreme court almost certainly was going to rule that such a law denied divorcing dads and moms "equal protection" which is guaranteed by the U.S. and WV Constitutions.

I certainly expect a good paralegal program to send me someone who understands and even excels at the fundamental applications:

a. Word Processing;

b. Document assembly;

c. Financial spreadsheets;

d. Relational database;

e. calendaring; task management, and contacts (such as Microsoft Outlook;

f. Litigation management;

g. Office management;

h. Graphic design, photography, PowerPoint, etc.

Now it also makes no sense for a paralegal not to know about Facebook and the entire universe of social media and marketing. The paralegal must be scrupulous in their own posts and communications, must be highly sensitive to issues of confidentiality, but must be able to locate critical evidence, which is consistently showing up on the Internet. The exception is now nearly the rule, but computer postings will come up in most cases.

With luck, my staff, clients, colleagues, potential employees, and potential clients will gain something from these thoughts. A mediocre person, in attitude, imagination, intelligence, or personality, should run from any thought of working in our office, but if you are bright, have energy, can tolerate stress, will dress fairly nicely, put up with criticism, care about people, think for yourself, be creative, and strive to improve, you just might be the person we are looking for. jbh iii

(Who, besides Nancy, noticed that I finished that last sentence with a preposition?)

1. <http://hunterlawfirm.net/wp-content/uploads/2013/01/One.jpg>

2013 New Year Resolutions (2013-01-01 23:10)



[1]

I have been disconnected since Thursday December 27 visiting family. Not much time to ponder the coming year, but here goes:

1. Having practiced law for over 40 years, it is imperative that I stay healthy and fit, so I have to complete my planned weight loss of 25 lb.

2. In order to take and keep it off, I will stay with our modified Mediterranean Adkins diet.

3. We will combine our regular walks of our dog Duffy with our "Yogalosophy" DVD featuring Mandy Engber.

4. One of my key employees, of 14 years, will be leaving us to be a full time mother. It will not be easy to lose someone of her experience, intelligence, wisdom, and courage; but we manage it, as we have in the past. Once **she** was a 17 h.s. student trainee, and I was scrambling to replace my assistant of 17 years. At least this time I have a loyal employee who will stay to train her successor.

5. Even though I plan to work as hard or harder than any year of my career, I will pray every day my thanks at having a near perfect wife, wonderful children, and, soon to be, five wonderful grandchildren. Hard work makes little sense outside of the context of my being a husband, father, and grandfather.

6. I will continue my plan to consolidate my thoughts about my profession, reduce them to writing, and to share my knowledge with potential clients and colleagues. I will help younger lawyers develop, provide information to those in need of legal services, and provide a steady stream of ideas for my professional associations, our judges, and even our College of Law.

7. As a sole practitioner, I go through phases. I have been writing steadily, but I **need to return to "nuts and bolts" of developing a paperless office,** optimizing the function of my iPad and iPhone, **completing my Pathagorized Office Form Files,** and moving into the next phase of **making my day to day trial practice reflect that same technology.** Software such as "TrialPad" will be essential to this goal.

8. I will continue to integrate my writing and sharing with the unfortunately worded "social media". I will use my blogs, [2]<http://www.burtonhunteresq.blogspot.com> and [3]<http://wwwburtonhunteresq2.blogspot.com> , with my modernized professional Findlaw professional website [4]<http://www.hunterlawfirm.net> , and my "J. Burton Hunter and Assocs, PLLC" professional Facebook Page,

my Linked In "Burton Hunter" account, my @burtonhunter twitter feed, my JBHunterIII YouTube channel, my Google Maps, Yahoo Maps and Bing Maps presences; Yelp, Manta, Foursquare, and, yes, even Klout.

9. I will try to become more sophisticated with my video, separating my personal from professional videos, and doing a new series of information and "how to" videos.

10. I will keep taking lots of photos, for the Internet and in my practice. I love photography and need to learn more about the digital technology.

11. I will try to a better job with "one on one" correspondence, with my college friends who have been less than enthusiastic with FB and its ilk, and older relatives, and even my own family who deserve better focused attention. I have a new iPad app "Postcard On The Go" that will let me even send "snail mail".

12. I will keep reading, reading and learning. Nancy and I are nearly finished with Professor Bob Briar's Teaching Company's "History of Ancient Egypt". Time for me to finish the courses on Calculus, Astronomy, and Statistics. I underestimated the difficulty of finding time to watch these courses. Listening while driving is much more convenient, but i will get it done.

13. Somehow I will attend 60-80 hours of continuing legal education. I have the DVD's for the mandatory mediation seminar. So far I am missing the point of that they are trying to present relative to mediation in the context of domestic violence and abuse. Very similar to the lack of focus of my guardian ad litem CLE training. I think we need much more consistency among "domestic violence", "family law", "juvenile abuse and neglect", and "civil mediation". They are four separate worlds. I sometimes feel I am the only guy with a hand or foot in each of these disparate worlds.

14. I have at least one case, alas a "pro bono" (meaning no pay) one, **to take to the WV Supreme Court of Appeal.** Last year we were successful in winning our appeal of the family court and circuit court in **Lee v. Lee.** This case is just as meritorious, so we shall see. It is definitely the little guy against "the powers that be", which are fully arrayed against us.

15. We must continue to try to have our share of the pie in Personal Injury litigation, insurance litigation, "deliberate intent" litigation, medical malpractice, and products liability. Lawyers throw a lot of advertising money at these endeavors, for the obvious reason there is money to be made. We have a unique combination of experience and connections with the best lawyers in the state and will continue to "toot our own horn".

16. We will continue to offer full services to our family law, adoption, custody, contempt, modification, grandparent rights, civil law, and mediation areas of practice.

17. Although we settled several excellent cases at the end of the year, we have challenges of some that may go to trial. Their outcome with definitely impact or success and "bottom line" for the year 2013.

As I approach "retirement age", I will not be retiring, SO it must be a balance of health, family, focus, professionalism, experience, efficiency technical know how, creativity, and energy in order for our year to be

successful.

January 1, 2013. j.b.h.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/01/PopPopKubotaAnnaJack.jpg>
2. <http://hunterlawfirm.net/>
3. <http://www.burtonhunteresq2.blogspot.com/>
4. <http://www.hunterlawfirm.net/>

11. 2012

11.1 December

Many Ways to Meet Your Lawyer - Personal Injury - Divorce - Civil Suits (2012-12-24 22:57)



My perception is that doctors are aloof and inaccessible. Not mine of course. Dr. "O" is very friendly and accommodating. You can see him power-walking around Buckhannon. But, these days the patient thinks "my doctor" is the PA (physician's assistant).

If you are a personal injury lawyer, just try to get your client's specialist, neurosurgeon, orthopedic surgeon, or plastic surgeon, to write a page or two on your client's medical history, diagnosis, prognosis, future treatment, and impairment. When you call, each time it is a different assistant. **Most surgeons perceive NO obligation to help their patient get their life on track by helping to explain to an insurance adjuster the key components of the injury.**

Why? I think partly because doctors perceive lawyers as an enemy, not a co-professional.

Sometimes the doctor is on vacation. Other times, he is in surgery, and, most recently, he was "studying for his boards". It used to be I could enclose a check for \$150, then \$200, and finally \$350, and get a letter, which takes 15 minutes to dictate, that answers these questions.

Now the hospital's lawyer calls me to advise that it is "against our policy" for the doctor to write a simple letter,

so I can settle a claim for a fair compromise amount **WITHOUT FILING A LAWSUIT!**

Sorry to shout, but these same doctors are against "unnecessary lawsuits". We trial lawyers are too. That's why the best of us present well documented claims, with reasonable demands.

I am sure the doctor goes home to his wife and complains about "Those damn lawyers and their frivolous lawsuits."

He might be surprised to know a good lawyer/negotiator can settle 90 % of auto accident claims without filing suit. I believe a doctor who truly wants his client to have a recovery, and fresh start, should want to help her resolve her medical AND legal issues.

My colleague Tim has solved the problem by serving a subpoena and taking a "deposition" at the doctor's office, whether there is a suit or not. The doctor doesn't know the difference. It is a solution, but pretty pricey. It is a challenge for lawyers to cope with our often prickly relationships with doctors.

AND WHAT ABOUT THE PUBLIC'S

RELATIONSHIP WITH LAWYERS?

Perhaps you perceive lawyers as being aloof?

This one is not, and here are some suggestions:

- 1. Call me between 7:00 a.m. - 8:00 a.m. (304 472-7477) I pick up my own phone.** Later, you will get a member of my cheerful staff.
- 2. Chat for 15 minutes or more. I do not charge for such calls.** If I cannot represent you, I will try to recommend someone who can.
- 3. I will quote a retainer at the end of the phone call.**
- 4. If it is a "contingent fee", case, I will give you an appointment, usually within 48 hours.** You may be pleasantly surprised regarding the proposed fee percentage.

5. **E-mail me, either [2]hunterjb@hunterlawfirm.net or go to my Findlaw website, [3]www.hunterlawfirm.net** (Ed. Now on a Wordpress platform), **and** write me through the "contact me" portal.

6. **If it is a major case where I decide to associate with someone else, I will record 15 minutes or so and provide the other lawyer (usually from a larger city such as Charleston) a transcript of the interview.** That enhances your chances of getting to meet a lawyer who focuses on that area.

7. **Occasionally, especially if you simply can't afford a lawyer, I suggest you and your spouse, or adversary, consider coming in for mediation;** the cost? \$300- \$800, usually shared by the two of you. I can help the two of you prepare a parenting plan or property settlement agreement that is nearly identical to the ones I prepare for my clients. **We can fine tune or modify a plan that has already been court ordered.**

8. **I have even begun charging a flat fee to share the essential information in case** you decide to proceed with self representation.

9. **More than half the time, the client decides he just cannot do it himself, and I proceed to become record counsel.**

10. **Recently, WV Supreme Court of Appeals Menis Ketchem wrote an article** in The WV Lawyer in which he shared my view that the WV State Bar Counsel's advisory letter on the question of "**ghost writing**" is stupid and unnecessary. I concur. (Ed. I believe the new rules of professional responsibility provide reasonable solutions to this issue.)

11. **He is the same Justice who wrote an article with guidelines for lawyers who tend to play games with the "discovery" process in civil litigation,** running up costs, and creating delays in an already burdened system. He's a pretty sharp guy.

12. **What is "ghost writing"?** If I help someone draft a self represented (pro se) motion for a continuance, or write a letter to a landlord, or help with a simple pleading or agreement, the State Bar Disciplinary Committee, in it's wisdom, make the lawyer insert a note that (insert lawyer name), State Bar Number (insert lawyer's number) "assisted" in the writing. **This, of course, means the lawyer can be drawn into a case,** even be held liable, for a case she charged little, if any, for. And even though the nature of the service was carefully limited.

13. **Even if the pleading or writing is imperfect, it's likely to be a lot better than the pro se litigant can do.** The State Bar believes this may give one party an advantage over the other. Justice Ketchem

believes it will discourage lawyers from doing volunteer work or piecemeal work that might help that party. **I agree.**

14. If one party reads all the rules of court, digests Wikipedia and other sources, and prepares for the hearing well, they do not have to disclose that, so **why should a self represented party have to reveal the identity of someone they wish to consult in private?**

15. I still prefer to quote a retainer designed to cover most or all of my fees. Clients who can do that get a "double discount" and are less likely to have billing and payment issues. I usually have a non refundable component, a "consultation fee" of perhaps \$1000. That non refundable component gets the client the most experienced lawyer in the area, and a buffer of say \$500 of free services if the services exceed the retainer, AND a discount of perhaps 25 % per hour if the fee exceeds that. Think of it as a form of **insurance.**

16. Thus, I share in "the pain" of a case that becomes more difficult than anticipated. It is the virtual opposite of overtime, but it is a method I have developed to let "the little guy" have representation.

MY ADVICE? Call me. I will respond. Ask questions. Answer my questions, in confidence. Think carefully before you try to solve your legal problem yourself. I just handed a check to a client today, the day before Christmas. **She stated that the complications and difficulties** in getting her check, her husband's, and a settlement from their own insurance carrier for the "underinsured" portion of the claim, **were MUCH more complicated and problematical than they had imagined** . She thanked us sincerely.

Of course there are smart lawyers who care about good results but not that much for the client.

The best lawyers care about their clients, the clients' families, their own careers, and even the money.

They come to work with passion every day. That's what my staff and I try to do.

As I write this on Christmas eve, I thank my readers for reading. Hope you had a terrific Christmas, and that you and yours have a wonderful new year.

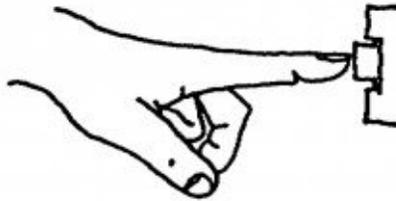
Burton Hunter

1. http://1.bp.blogspot.com/-zmkpfw4R46g/UNjdxL4TlFI/AAAAAAAAAU0/WnPkPxCHSKU/s1600/Burton_Hunter_Ad_proof062812.jpg

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2. <mailto:hunterjb@hunterlawfirm.net>
3. <http://www.hunterlawfirm.net/>

Where to Find Words of Wisdom - Or "Which Button Do I Push?" (2012-12-21 20:27)



[1]

Getting the Legal Information You Need - How To Do It?

I am sure I have mentioned this before, but **the people of WV and our profession are better off because a Morgantown Lawyer named Darrell (Dan) Ringer became interested in WV Public Broadcasting.**

Dan may remember how we got to know one another. I don't. I think he is too young to have been a law school classmate, but my wife Nancy and I "double dated" with his lovely wife Rebecca (Becky) Bonner Ringer "before". Becky is an alumna of our school, WV Wesleyan College.

I believe we went to to Julio's in Clarksburg and partook in Julio's "home made" wine. **Becky is an active Facebook friend, always ready with an insightful or funny post.** Dan doesn't post much even though he is attuned to technology.

Dan has logged hundreds of shows for The Law Works [2]<http://www.wvpubcast.org/lawworks.aspx>. **There is a huge archive of shows** available on the web.

I would be more up on the content of the shows, but we moved farther out into the country and were without public television for over eight years! **Dan was there before we moved, and he's still there!** Direct TV finally figured a way for us to have access to WV Public Television, and boy did we miss it.

Dan draws on his vast web of contacts statewide; politicians, office holders, governmental employees, law school professors, State Bar Officers, prosecutors, and trial lawyers, both plaintiffs' and defendants'. Even I was privileged to appear, with Pat Nichols, to discuss the challenges and joys of practicing in a small, and smaller, WV city.

Last night Nancy and I stopped for a moment on channel 24 as Dan interviewed former Supreme Court Justice Richard Neely. As Dan asked, "What is workers compensation", I reached for the channel changer. But, noting that Neely had already said something humorous, I let it stay and continued to type some Christmas e-mails. Justice Neely's manner, in person and in his written opinions, is unique, funny, frank, and perceptive.

As Justice Neely explained there were lots of people who didn't work, filing false or exaggerated claims, and sitting back in their recliners, he almost lost me. Not that there are no such claims, or that some people do not become dependent on "the system", but that has not been my experience. Injured people tend mostly to crave to get well, in their bodies and pocket books.

After explaining that workers comp is a system that allows compensation for injured workers that is not dependent upon proving negligence in court, he moved on to "deliberate intent", a subject I have already written on. Just search for "deliberate" in this blog.

Justice Neely then said something that I know he has said in a written opinion, because I rely on that opinion a lot. In fact, he articulated the rule that allows fee splitting and associating, so long as it is transparent and fair.

He was talking about what he called "deeds and wills" lawyers in small towns. Frankly, that term is one I use, and is a bit demeaning. It means the guy who does a little bit of everything but avoids the courtroom.

He explained that going to such lawyers to consult on a MAJOR CASE, as opposed to being attracted by a slick advertisement, **makes good sense**, and he explained why.

His point is well made. The local lawyer, who is competent and in tune with his profession, has a certain number of "big" cases come along during his or her career.

These might be employees' "deliberate intent" cases, such as the ones filed by the Sago and Upper Big Branch Mine miners and families, **product liability** (4-wheeler or SUV rollover cases, etc.), **Medical**

Malpractice, or even an auto, truck, or motorcycle **collisions with major injuries**.

Neely pointed out that calling the local lawyer makes good sense. Even if that lawyer was not on the trial lawyers' (WV Association for Justice) board for 20 years as I was, he or she almost certainly will know some of the relative handful of lawyers who "specialize" (his word; not one we are allowed to use) in a certain high risk area of the law. The phrase we are allowed to use is "focused area of practice". It means a lawyer has done lots of a particular kind of case.

The rule allows the local lawyer to refer his client to, and share his fee with, a lawyer who can afford to advance, and therefore risk, \$50,000 - \$100,000 or more, plus his and his staff's time, in order to pursue claim of \$300,000 to \$10,000,000.

I have had 7-8 of what my former partner Randy Levine called "impact cases". In fact, Randy co-counseled with me in two such cases; a two week murder trial which nearly did us in (our client now walks free after paying his debt to society) and a judgment for \$900,000 (including interest) against a mining company. **We were young and foolish risk takers back then.**

Fortunately for Randy and me, the clients money paid the tens of thousands of dollars of litigation expenses in those cases, but usually the client cannot afford such expenses, or to pay in advance, SO, we work on a contingency basis.

The lawyers in the larger cities with "primary areas of focus" need clients, and we local lawyers often find potentially big cases, so it is a natural that we associate.

The total fee is the same. Depending on the role of the referring lawyer, the receiving lawyer will often share 1/3 or 1/4 of the total fee with the referring lawyer. You do the math. If the contingency fee is 40 %, as it is in the high risk cases, the referring lawyer receives 10 %-14 % of the final judgment or settlement. The receiving lawyer gets the rest, and assumes all or most of the costs and takes responsibility as lead counsel.

What does the client get? With the help of the referring lawyer, **he gets the knowledge of who is competent to do that kind of case.** Neely opined that only 35 or so of WV's 8000 lawyers are really good at deliberate intent cases. Perhaps Med Mal and Product Liability have 100 lawyers each. By interviewing the client and gathering preliminary evidence, I can increase the chance the other lawyer will accept the case.

And, the client benefits by having a local counsel. As local counsel, I have;

a. Helped our clients through family or other legal issues while their case is pending;

b. **Kept peace between squabbling clients**, even helping ease a sharing of a settlement after the parties were no longer married;

c. Become a squeaking wheel for a client who was feeling neglected;

d. **Hosted a deposition or filled in at a hearing**;

e. **Used my negotiating skills and diplomatic skills during an all day mediation** to help keep our team together and the client(s) mollified.

Even in sports, I have always tried to find a role for myself that suited my skills and ability. I do that today. I appreciate that former Justice Neely recognizes this important role that the local "deeds and wills" lawyer has to pay.

The Billboard and T.V. lawyers all appear to be aggressive and competent, but their colleagues tend to know the "*real deals*" from **the pretenders**. After all, of our payday depends on picking the right person, so we ARE going to pick someone we know to be competent.

TWO sources of wisdom: Dan' Ringer's **The Law Works**, and your good old reliable local lawyer!

1. <http://hunterlawfirm.net/wp-content/uploads/2012/12/PushaButton.jpg>

2. <http://www.wvpubcast.org/lawworks.aspx>

I Wonder What's Gone Wrong? Newtown Connecticut (2012-12-16 00:14)



[1]

I awoke this morning and immediately thought about yesterday's horrific shooting in Ct. My wife Nancy called her Mother Marjorie on Friday afternoon. She had been crying all day. Marjorie is 91 years old, and she lives about 20 minutes from the shooting scene. Around 9:40 a.m. she was driving to the store when the state trooper in front turned on his siren and lights and made a 180 turn and headed toward Sandy Hook and New Town.

Newtown is an idyllic New England town. We have driven through it dozens of times, when I was stationed at Griffiss A.F.B. in Rome New York and when going to and from some of our favorite places, Lime Rock Park, Lakeville, Stockbridge Ma., and The Red Lion Inn. It is our portal to the Berkshire Mountains. There used to be a historic restaurant, The Yankee Drover. It burned, but it's flag staff may still be there.

We have had a few scares here in Upshur County in recent months. As a busy family law lawyer, I have received my share of threats, and have been associated with a number of fatalities. I endured a nearly two week murder trial and had a client convicted of second murder. The sentence was twenty two years, but he got out after @ 14 years and has returned to farming. Violence can occur anywhere.

Of course there are myriad legal issues associated with something like yesterday. Criminal law, privacy, security regulations, education, mental hygiene, and gun control, are just a few of them.



[2]

People struggle to understand how someone could shoot to death twenty innocent children, and their teachers and counselors. The reaction is predictable:

- 1. The shooter was "evil", sent by the "Devil";**
- 2. It as "God's will".**
- 3. It is time for "gun control".**
- 4. The Scientologists may note the person was taking an anti-psychotic drug or anti-depressant and blame the drug itself.** In their world there is not such thing as a brain illness, cognitive disorder, or "mental illness". They prescribe a form of religious "voodoo" for people diagnosed with such conditions.
- 5. Religious people have great difficulty during these times.** If they believe in a sentient God who is pulling the strings behind the scene, they fumble all over themselves to explain how God "allowed" the event to happen.
- 6. Two weeks ago our guest minister, retired and over 70, patiently explained that Hurricane Sandy was sent by God** as a sign that Jesus second coming is around the corner. Why God decided to

cause billions of dollars in storm damage and kill hundreds of people to make his point is not clear. And what of the great tsunamis that kill thousands?

7. I refuse to give God credit for a child that was saved by a courageous teacher, because to do so would require me to blame "him" for killing the others. **And, ascribing Hurricane Sandy to God means he kills people when he gets angry. That's pretty "Old Testament" and hardly in keeping with Jesus' teachings.**

8. The gun control advocates go on a rant almost immediately, without even pausing to show respect to the very real, flesh and blood, victims.

9. The NRA and gun ownership advocates go into a full court press reminding politicians of the tremendous political clout they yield. Imagine what they are planning at this very moment to protect their turf.

10. The press always asks, "What should parents tell their children?"

11. Everyone asks, "How could this happen?"

12. Sometimes the killer is a sociopath and "simply" vicious and angry. More often, it seems the person was "deranged". The news media cannot wrap their heads around "deranged". They just do not seem to try.

13. The most misunderstood illness seems to be schizophrenia. I have not heard the press, or the experts, explain that a person affected with this emperor of brain diseases may be terrified and hallucinating.

14. I spent considerable time with a young man in the secure psychiatric ward at Chestnut Ridge. The anti-psychotic drugs were not really reaching him. He explained that the F.B.I. had singled him and his family, for assassination. Therefore, he was armed at all times. He knew that they were going to come to his door, knock, and kill him.

15. I asked him if he knew he was mentally ill, and he assured me that he did, and he knew that his brain was not processing information correctly, BUT he still tracked each person that walked by his house, confident when the real assassin showed up, he would know him and kill him. That was pretty scary.

16. This was a peaceful, intelligent, articulate, but very sick, young man, who did not want to hurt anyone except the assassin. He could shoot several people as they walked to his door and be considered a monster even though, in his mind, he was defending himself from a demon or alien who was trying to kill him.

17. As I write this, I do not know if the Ct. shooter believed God had told him these children were evil and had to be killed, were actually aliens from outer space, or that God had decided to call them back home and he was the tool by which God's instructions were to be carried out. His actions may make perfect sense, if his thoughts were accurate.



[3]

So, what do I think?

1. There is no evidence there is anyone "pulling the strings". I refer you to my article, "Burt's Views on Religion and Religiosity". [4]<http://tinyurl.com/6lu7dyx>

2. I wish my intelligent, but religious, friends, at times like these would remember and acknowledge that their comments about God's love and intervention are metaphors, and that supernatural events do not take place, and that certain terrible events are going to occur because of our nature as animals walking this earth. And storms and earthquakes are bound to happen because of the nature of our physical universe.

3. Brains will malfunction, people will act out violently, and no super hero, demon, or God, is making these events occur.

4. Regardless of my skepticism, I still pray for the victims and their family. Why? First, I believe that wishing someone well and asking "someone" to look out for them is a good thing. What harm can it do? I believe that sensing the pain of others, empathizing, and hoping for their recovery, helps the person who prays. While the subjects of the prayer probably cannot "feel" it, letting them know we are praying for them may help give them strength. It's a reminder to them they are not alone and that others care.

5. Our society is dealing with accelerating rapid change. It is fragmenting. Here is an example. Nancy and I are news junkies, so after an event like yesterday, we may watch 5-10 hours of coverage per day. We tend to feel others must be doing the same thing, **BUT THEY AREN'T!!!!!!!!!! :**

a. My staff of busy young mothers hardly even watch t.v., and when they do, it is probably children's t.v.

b. In Nov. 1963, we had nothing to watch but the aftermath of John F. Kennedy's death. As a result, I saw Jack Ruby shoot Lee Harvey Oswald.

c. In 1956, when I was ten, and while visiting my Great Aunt Jenny Morris in Cambridge Ohio, the only t.v. programming, on any of the three channels, was the Democratic National Convention. Thus, since I could not fish every minute, and my elderly aunt and her husband were not inclined do anything with their young guest, except eat meals with him, I read and watched the convention. (Aunt Jenny's husband Frank was retired from the Railroad, so I got to ride the train by myself from Wheeling for free.)

d. The terrified, highly religious, "I don't want the modern world to ruin my life!", people focus on their family and church. They give up their education and critical thinking and limit their reading and their education to religious based material. They have assigned reading, prayer groups, the Sunday service,

religious books, and choir. No time for studying and thinking for themselves.

e. Many children are watching t.v. and the Internet without their parents, and viewing things that their parents never see.

f. As sick as the fellow in Newtown may have been, he still must have tapped into the creepy mass killing, gun culture, the Gothic, and anti-society culture of the Internet, and of high violence video games, the purchase and use of body armor, and hatred, plenty of hatred.

g. Non-mentally ill "haters" can easily locate neo-Nazi and other racists materials on line. They feed on the hatred and myths of the other haters.

h. Gay Americans can focus on "gay culture"; Blacks on "black culture"; and Hispanics, on Spanish language t.v. Racing fans even have their racing channel, such as it is.

i. The porn watchers are in their golden age. They are sophisticated, and there are horrible networks that exchange and circulate child porn. Many of my divorce cases have "online sex" as a main causal factor.

j. There are tens of thousands of people dedicated to using the Internet to cheat and steal by schemes and hacking. Wired Magazine advises that soon password protection will soon be passe'.

k. Billions are being spent on international drug trafficking. It is a cancer upon our society.

l. Terrorists are coordinating their plans to attack America and symbols of "Western Culture" world wide.

m. No one has to worry about being stuck with only a nature documentary, 60 Minutes news program, or "serious" play or movie. With 200 channels, why bother? Just switch to something more "entertaining". That's what I would have done in 1956 if I could have.

n. A very small slice of the mass of viewers can watches public t.v. and listens to public radio, orders college level course from The Learning Company, or accesses hundreds of thousands of free online college courses.

o. There is online higher education, much which is apparently accredited and excellent, but people, being people, have borrowed billions in student loans but are unable to stay motivated long enough to get their degrees. How can we stay focused in such a fragmented world?

p. Our public and private schools are expected to provide much more than a good education. They must make up for parents who do not prepare nutritious foods, love to those who are abused and neglected, and provide child care and discipline to the undisciplined. **The family can no longer be trusted to provide the moral and social framework.**

q. Whatever they are learning, kids no longer seem to know WHERE things are located, WHAT happened in our past, WHERE a comma or semi-colon goes, or HOW to spell. This lack of fundamental skills is obvious, even in the wonderful intelligent women who work for me. An employer must be ready to train and educate his work staff. That's not right.

r. Kids get to listen only to the music they and their friends want to listen to. Mom, Dad,

Grandma, and Grandpa may listen to their oldies, to blues, jazz, and even the classics, but with buds in their children's ears, the parents only know their kids' music is intolerable, and the children know only what their peers know.

s. "Good parents", even those who aren't hiding in their churches, still want to protect their children, so they may shield them from so much that the young adult is overwhelmed with temptation when they move to the freedom of college life.

t. Other parents allow the kids to watch what they watch, hear what they hear, and fail to provide a steady commentary to children on their personal values. Maybe their values are wanting.

u. Institutions like Boy Scouts, Girls Scouts, and 4-H were a powerful compliment to school (curricular and extra-curricular) home, and church in the 50's and 60's.

v. Nowadays the children of my divorce clients often have no extra-curricular activity and no organizations. Two working parents may not be able to be an adult leader for volunteer.



[5]

The solution? I DO NOT KNOW!

1. If you cannot claim your can't helps were handed down from God, or that violators will not "burn in hell", **how can you get people conform to reasonable standards?**

2. If the Internet is uncensored, and we are committed to freedom of thought and speech, and tolerance, how can we have common values?

3. I say focus on education and child rearing and nutrition/fitness.

4. We know that the American diet is killing us. Let's do a better job educating people on nutrition and control the child's diet and activity at school.

5. Let's transition our religion, before it largely disappears, so that an intelligent, educated, person is not turned off by the focus on the Jesus cult and the supernatural. Somehow, make room for the skeptic. If Jesus' teachings cannot stand on their own, without the threat of a burning hell or promise of everlasting life, what good is it to the living?

6. Let's establish a new set of accepted standards, civility, morality, sobriety, diminished violence, tolerance, honor, honesty (no stealing, lying or cheating!), cleanliness, and moderation. But let's not be too judgmental of those who fall short. Encourage them to try again.

7. Let's regulate our children's t.v. and radio programming. Yes Republicans, REGULATE!

Let's make it fun, science based, informative, stimulating, and uplifting.

8. Let's foster a new sense of discipline, moderation, and culture in our society. ("Old Fashioned Values" without old fashioned superstition and ignorance.)

9. Let's raise a generation of moral scientists, engineers, and teachers, to cure cancer, move mankind into outer space, protect our planet, improve our health, and create the infrastructure of a mobile and literate society.

That should be a pretty good start. But first, let's pay our respects to those dead people, their families, and community.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/12/NewtownFlagpole.jpg>

2. <http://hunterlawfirm.net/wp-content/uploads/2012/12/NewtownInn.jpg>

3. <http://hunterlawfirm.net/wp-content/uploads/2012/12/BlueHouse.jpg>

4. <http://tinyurl.com/6lu7dyx>

5. <http://hunterlawfirm.net/wp-content/uploads/2012/12/Newtown.jpg>

The Client is The Boss, or is S/He? (2012-12-12 21:55)

[1]



[2]<http://tinyurl.com/c9bfplx> .

Recently I have pondered the question of how much is the client the boss, and should she or he "be the boss". The short answer is, "Of course the client is the boss. They pay our fees."

In some cases the client clearly is the boss. Guardians Ad Litem, of who I recently wrote, can be appointed to be legal guardian of a child or elderly person and actually recommend to the court something different from what their ward wants.

But a lawyer for an accused juvenile delinquent is supposed to advocate for what the child wants, such as going back into an abusive home, even if the lawyer knows it is against the child's best interests. Consider also that the lawyer, as an officer of the court, must be truthful to the court, and you can see how difficult such decisions can be.

I never liked criminal defense because it seemed we always were trying to pull the wool over the jurors' eyes. Casting "reasonable doubt" when we know we are bordering on being disingenuous was NOT my favorite thing.

Yesterday, a new client called to cancel her appointment because, "Hiring a lawyer will not benefit me." She says that knowing that she had voiced that opinion during our phone conference and I had explained in some detail why that absolutely is not the case. In a 31 year marriage there are all sorts of issues to resolve. The fact that the husband cannot carry the wife on his insurance after divorce was the only issue the wife considered "important" so she will proceed into the lion's den unrepresented. I do not wish her ill, but she is taking a grave risk.

Having done this for a living for 40 years, I have great confidence that if I take a careful history, and the client is honest with me, I can prescribe a course of action that will likely turn out to the client's benefit. Thus, if the client wants to take the house instead of the retirement benefits (of equal value), that should be her choice. If she wants to take a larger up front payment or smaller, incremental lifetime payments (also of similar value), I say that is her choice.

But, if she wants to file a domestic violence petition out of spite, to expose their child to a new "significant other", to waive all child support when she needs the money, to have me lie to the Court, I say it is the lawyer's job to put on the brakes and do everything in his power to dissuade the client. He also has a duty not to lie to the court, file a frivolous pleading, or take a position that is not supported by the law and facts.

If the client persists in ignoring the lawyer's sound advice, or, worse, insists that the lawyer do something unethical or illegal, the lawyer must seek leave of the Court to withdraw as counsel, without revealing a confidence in doing so.

Forty years of experience has given me so many more tools to deal with such conflicted situations than I had as a young lawyer. I can reason, gently resist, argue, point out the problems, and occasionally twist hard on an arm in a way I could not do when I was less experienced.

Of course, a lawyer who has allowed the law and technology to pass him by, or who give the client that impression, cannot expect the client always trust that lawyer's advice.

I believe I am better now than ever in my career in "guiding" my client in the right direction, and less inclined than ever to have a client get a "bit in her teeth" in a direction contrary to her or her children's issues. I am happy to answer any questions or address topics in this area.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/12/THEBOSS.jpg>

2. <http://tinyurl.com/c9bfplx>

Thoughts on the Effective Use of E-mail and Its ilk. (2012-12-07 23:19)



Some posts seem to be equally applicable to this blog and to my "WV Lawyer - Tips and Techniques", [2]www.burtonhunteresq2.blogspot.com . (Editor: try www.hunterlawfirm.net). I have done a couple there, on the new WV State Bar Referral Service and its ramifications for the small town lawyer, and my thoughts on the proper care and feeding of good mediators.

So here come some rather geeky thoughts, but ones that I think can greatly enhance the productivity and effectiveness of almost anyone.

E-mail may be on the way out, but not really. Now you can use Facebook as e-mail, have a GMail account, privately speak with colleagues via Linked In, and still use your old fashioned, but still nearly instantaneous, e-mail account.

I use Microsoft Office Outlook which could be much more user friendly, but it's what I know (sort of). We use it for e-mail, calender, contacts, and tasks. It is our "tickler" for deadlines and litigation schedules.

At one end of the spectrum, I know a firm where the lawyers refuse to use e-mail for their professional correspondence. They insist on getting snail mail, or maybe a fax. They are proud that they are not instantly available to their clients, and aloof over any suggestion that is malpractice.

Let's start with today. I have a meeting tomorrow morning. I have a co-counsel out of town. The other lawyer is out of town. He has an impending trial, so he is relying on two associates and a paralegal. I have a paralegal, and the other side is sending six people! We have chattered about it all day.

We wrote small, to the point, notes, which should have us all arriving at the correct time and the same place. We even have "rules" about how we are going to behave. We threw it together on 48 hours notice. I don't think we could have done it using phones.

I also had 8 e-mails in a case that was headed to a trial. We have avoided Armageddon by counsel's agreeing to meet early next week. Only by getting my client to reduce his demand to concise numbered items and to promise the other lawyer I was ready to "talk turkey" did I pull that off. Again, e-mail made it possible.

As I have mentioned in other posts, I have four employees, three of whom are paralegals. Two do family law work and other duties; one does personal injury and civil law, and my wife/office manager Nancy does billing, purchasing, etc.

I copy them in nearly everything, but blind copying all but one so the other side doesn't get nervous. I don't want them to think I am setting them up. But the receptionist needs to know what going on. My billing clerk certainly needs to have a feel as to why a case is building up fees, especially fit the retainer is being depleted. And sometime I feel the flow of the office helps if we all know the client and his/her trials and tribulations.

My e-mails tend to be too long, BUT I keep paragraphs short; I number them; I cover what I need to; I suggest practical solutions, and I keep everyone informed as to where I am.

In one case we have a business valuation expert, opposing counsel, personal property appraiser, and real estate appraiser. In another we have a realtor, surveyor, and three law firms for sister, brother, and stepmother.

In three others I have co-counsel in other cites. One has a local counsel in a rural county, me as the originating lawyer and co-counsel, and now a new lead counsel because the case grew beyond our resources.

Is the latter case, I have a paralegal, the local counsel has a secretary, and the lead counsel has two paralegals, and a young associate who carries his spears (and, of course is smart as a tack).

I know the most about the case at this point, so **I have tried to make concise summaries for the other lawyers**. Letetia, my paralegal, reminded us all that the pre-trial memo is due next week, something that may have been overlooked because of a couple of continuances and various controversies.

I know some lawyers who are "wired". I can count on them for short but nearly immediate answers, so I plan my e-mails accordingly.

I have a half dozen lawyers I trust. We chat about the case regularly and effectively. Rather than "hide the ball", I alert them to crises or client complaints as they come in, often forwarding the client's words, with permission of course.

Sometimes I have a large document, array of photos, or a long video that cannot make it by e-mail. Rather than send them a cd, **I just save to Drop Box and send them a link**. They connect "to the cloud" and can copy and paste whatever I send them.

One informal "rule" I have for clients is **"Please do not e-mail me from 5:00 p.m. to 9:00 p.m."** This is my quiet time. I will turn in to read @ 9:00 p.m and you can fire away. Sometimes I check my e-mail on the way to/fm the john, but normally early in the a.m. I let them know I am at work usually by 7:00 a.m. I expect to spend 30-60 minutes each morning on e-mail. I can keep my whole staff busy and focused by my e-mails, although it also can generate a false sense of urgency. We must guard against that.

Sometimes I outline for staff problems I anticipate in an upcoming trial or hearing. Other times I dictate a motion, or a pleading, or a letter **using Dragon Naturally Speaking** and e-mail the Word document to staff to clean it up.

I taught myself to type 25 years ago using Typing Tutor, Mavis Beacon, and a "shoot'em up space game". I can peck along at 40-50 wpm and I GET A LOT done. Pretty good for someone self diagnosed with dyslexia.

I am glad I am self diagnosed, because I always assumed I was "normal" and "smart" and was not burdened by learning I was not. (That's not a joke by the way. A good friend, USAF Col. retired, and commercial pilot was told he was "slow" and remembers it to this day. Someone accidentally told me I was smart, and I was dumb enough to believe it.

RISKS AND BENEFITS?

1. I sent a flip remark to co-counsel about opposing counsel's mistake, only to learn opposing counsel was in the "reply to" blank. Even a profuse apology did not restore us to a good relationship.

2. I sent a vacation photo of my wife and me with friends in front of the Greenbrier to my "FullColleague" group instead of FullFamily. Autofil is a blessing and curse. As they say about women, "Can't live with (it) and can't live without (it)." My colleagues were most generous, writing that they were happy I had a life outside the office. **BUT, my paralegal is "Jamie" and a worthy but tough adversary is "James". Does anyone sense danger there?**

3. By logging at least 1/10 hr. for each incoming e-mail, I have a wonderful billing system which helps partly to reflect my staff of 4, something almost unique for small town lawyers. Usually I do not bill separately for the "sent" e-mails thinking that the exchange from/to often makes up the actual time. I remind clients that at least 3 of us read each e-mail, and I offer to audit and include the e-mails and other time entries we over looked.

4. With the efficiencies we utilize, my sense is we charge less than many firms with lawyers and staff much less experience than we are and perhaps half of what my contemporaries who proudly admit, "I am not tech expert". Well, in a way I am a tech expert. Not a programmer, an "end user". But an end user who started with an Apple II and NEC Spinwriter printer in 1981.

I think you have to have a lot of confidence, and some guts, to use e-mail as we do. You have to be able to deal with the fact that anyone can forward any e-mail you send. You need to feel you can express yourself effectively and defend the content of what you sent.

I make mistakes. One colleague and friend, with a VERY GOOD memory regurgitated to me a litany of things I had e-mailed her, in the heat of battle, over the period of a year. It wasn't pretty. When you hold your heart on your sleeve, the temptation of venting in anger, expressing disappointment, etc. is very great. I sent her my sincere mea culpa. She was kind to forgive.

As I move seamlessly from e-mail, to Facebook, to Twitter, to Linked In, and all my other activities, I stay "wired" all the time. I crave some peace, but get antsy if I have it. I am working on balance right now, but am having too much fun. I would read a book on meditation if I had the time, but then I wouldn't have time to meditate.

I get my South Beach Diet recipe each day, and so much from my Facebook friends, personal friends, family, and colleagues. One friend wrote, and even called my wife, because he did not like the photo posted to my other blog of me 25 feet in the air on a ladder. He said I looked like an aging, crazy, firefighter "who is going to kill himself!"

That's about it.

I hope you have the guts and the brains to use e-mail effectively.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/12/email.jpg>
2. <http://www.burtonhunteresq2.blogspot.com/>

The Proper Care and Feeding of Mediators (2012-12-06 15:08)



Practice tip; lawyers, protect and pay your mediator; don't forget to pay your up front deposit. She or he needs to make a living too!

If word gets out that you are slow to pay and hard to collect from, your pool of available, competent, mediators will shrink.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/12/Mediator.jpg>

The WV State Bar Referral Service - Leaping Into the New Millenium (2012-12-05 23:27)



W[1]

Get ready folks; the WV State Bar is headed into the new millennium, and WV Lawyers ignore this development at their peril. (Ed: sorry I don't have more time for this, but this system now is available on-line. Check with WV State Bar for more information. 2-25-2015.)

"What is he talking about?" you say?

First, the URL to the referral service is [2] www.wvlawyerreferral.org . As soon as I got the e-mailed "The Bar Blast" notification of the new site, I searched for myself and was startled that I did not show up. An e-mail to the State Bar quickly remedied that.

This is part of a trend that is irreversible:

1. The State Bar has digitized the nice, glossy, State Bar Lawyer and Judge and Clerk Directory. **It saved \$50,000 for its members.** Now those who just can't manage using the directory online, have to pay for it. I doubt many will do so.

2. The Glitch? Again I do not show up in the digital directory! You can search for "Hunter", which will get my friend Steve from Lewisburg too, but Burton Hunter, J. Burton Hunter, J. Burton Hunter III, and John Hunter, John B. Hunter, and John B. Hunter III will get you a message that I do not exist. I trust this will be quickly remedied too. Isn't technology great?

3. The State Bar now has a Social Media Committee, and should soon have a FB "fan page". Worries, GOD FORBID, that people will post criticism of lawyers should soon prove to be "no big deal". Personal attacks on lawyers (SUCH AS ME!) can be quickly expunged. And, lawyers should have learned to have thick skins by now.

4. There is reason for the State Bar to be cautious. Former long time director Tom Tinder was an early adopter. My feeble memory has allowed the State Bar's first Internet service to be lost to me, but it was innovative and gutsy to make the try. (Editors note: I think it was Tech Net!) I don't think it ever quite worked out, but maybe I do it a disservice. I was impressed by that effort.

5. And, WE WERE HACKED! Yep, private information was compromised, and the Bar site was shut down for several months. That had to be traumatic for "the powers that be."

6. Add to that that half of all divorce cases have Facebook evidence, and the caution of the State Bar makes very good sense. (I mediated a case today because the parties were "hoppin' mad" over a FB post; a key to settlement was a letter faxed by the offender to the parties apologizing.)

7. And, keep in mind, you don't work your way up in the WV State Bar, and the WV State Bar Association without getting some years on you. Getting to that stage of one's career and profession means you and a survivor, and **survivors have learned some caution.** (Perhaps I am an exception to this rule, but not really. Everything is relative.)

8. But the writing is on the wall. Unless you have left the profession, (and have no friends on the Internet, no grand kids, no great grandchildren, and plan to live in a cave.) this powerful wave of almost instant communication is a permanent (and fluid) fact of life. If you doubt that it is fluid, just ask AOL and My Space!

9. NOW TO MY POINT.....WAKE UP!!!! This is it:

a. Now that the Bar has moved from it's "800 number" (or maybe it still exists?) to the web, and now that the lawyer has at least entered his/her contact information, **what happens when they click on your name?**

b. The potential client goes to your site.

c. "My site?!"

d. Yes, your professional site; the one that tells them all about you. The one that an amazing percentage of small town lawyers DO NOT HAVE. (Yes, I am shouting.)

e. For me, if my potential client checks me out, she finds my Findlaw Site, my Twitter account, my professional Facebook Page, and my two blogs; [3] www.burtonhunteresq.blogspot.com and [4]www.burtonhunteresq2.blogspot.com

f. For many of you, YOU HAVE NOTHING!

g. So, if you want to get some referrals from the State Bar Referral Site, which should be heavily used, have a professional, if simple, site. State your credentials, have a way to reach you, respond promptly, and get to work doing better.

I am no spring chicken, but I think I am ahead of most of you in this area. It is an exciting and fun time to be a lawyer. We compete for clients, but, hell, we compete for a living, right? Not many professions aren't competitive, at least for those with passion,

so jump in and get wet!

1. http://hunterlawfirm.net/wp-content/uploads/2012/12/IMG_1324.jpg
2. http://r20.rs6.net/tn.jsp?e=001HYxvzaJMvFCfJTWiYKpHV6iWre6750r-UDL4gm72tbqgWhKTRp3oojvDGCOnFlzSbHzWk4DSyzsScF1NOE6LjXeU-dssaBr050VKdYRMKJPHhD8t4hfNc3tqMxe3K1V_z
3. <http://www.burtonhunteresq.blogspot.com/>
4. <http://hunterlawfirm.net/>

11.2 November

Two Posts From My Blog, Perspectives of Small Town Lawyer (2012-11-24 23:37)



[1]

After a lull in posting, during a very busy fall, I found time for two useful posts on my "sister blog", Perspectives of a Small Town Lawyer".

1. I posted data for all the Continuing Legal Education seminars I attended in 2012; not to brag, but to give my readers an idea of what I am thinking and learning about. I think C.L.E. attendance is some evidence a lawyer is "tending to business" and staying current in his field. While I will not copy them wholesale, I feel I may share selected materials under what I believe is a reasonable "fair use" standard for people who are trying

to learn, not get credits without paying for them. **(Does anyone agree with me that C.L.E. is overpriced considering the reduced costs of publication of materials and the fact our speakers receive no fees?)**

The url is: [2]<http://burtonhunteresq.blogspot.com/2012/11/2012-seminars-attended-to-date.html> (Editor: suggest you go to www.hunterlawfirm.net. 2-25-2015.)

2. More challenging, for me, is a post that is dated today, Nov. 24, 2012, on "Children, Guardians Ad Litem, The Law, and Society". I registered my concern over the quality of the "mandatory eight hours of training" required by Family Court Rule 47, the lack of communication between the Family Court and Juvenile Abuse and Neglect Court communities, and failures to recognize the woes of our society.

That url is: [3]<http://tinyurl.com/co75n42>

There is usually overlap between my blogs; I hope you will consider subscribing to both of them.

j.b.h.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/11/Burt-Phone.jpg>
2. <http://burtonhunteresq.blogspot.com/2012/11/2012-seminars-attended-to-date.html>
3. <http://tinyurl.com/co75n42>

Children, Guardians Ad Litem, The Law, and Society (2012-11-24 22:34)



[1]

I spent last Friday at a seminar for guardians ad litem, or guardians in law, for children. It was not the seminar I wanted or needed, but it crystallized many thoughts I have been having. I think I can tie the subject of guardians ad litem to larger, very important, themes, but you will have to bear with me.

First, the basics:

1. The law recognizes that many people are unable to protect their legal rights.

2. These folks are under a **"legal disability"**.

3. As I mention in another article, <http://tinyurl.com/752vq78> , **competent people can be temporarily under a form of legal disability.** These people can execute a power of attorney to give another person the ability to sign their signature:

a. A durable general power of attorney goes into effect immediately upon signing and delivering, and gives the attorney in fact the power to sign nearly anything his principal can. When recorded in the county clerk's office, this power includes real estate transactions. Under the **Uniform Power Of Attorney Act**, a durable general power of attorney remains in effect if the principal becomes incapacitated.

b. A medical power of attorney goes into effect when the signor becomes incapacitated to make medical decisions.

c. A medical surrogate is a person appointed by operation of law to make medical decisions if the impaired party did not have the foresight to have a medical power of attorney.

4. Many West Virginians will remember the term "committee". This was a person who applied by a petition to the county commission to handle the affairs and protect the person of an incapacitated person, often an elderly relative.

5. Such persons are now called "conservator" or "guardian", or both.

6. The conservator manages the impaired person's money and property.

7. The guardian manages the impaired person, perhaps by placing them in an assisted living facility or hospice care.

8. Petitions to become a conservator/guardian are heard by a commissioner appointed by the Circuit Court.

9. A mental hygiene commissioner hears petitions for the involuntary commitment (to a secure facility) of persons who are mentally ill or cognitively impaired, or retarded, or addicted. and who are dangerous to themselves or others.

10. A living will is an "advance directive" related to the "medical power of attorney" above, but I am highly suspicious of a document **that gives a doctor the power to withdraw or withhold treatment based** upon hypothetical facts that the signor can barely imagine.

12. I sense the living will proponents are driven by the economics of medical treatment. Why else to they routine paint word pictures of "tubes sticking out the body". I say put the decision in the person or persons who care most about you, and give them some guidance about your values and your wishes.

13. Then there are post-death wishes. This group is of people is REALLY impaired, since, short of a seance, they are beyond any ability, ever, to communicate with us.

14. Their wishes are determined by their "last will and testament" or, if no will, by W.V.'s laws of intestacy, which are beyond the scope of this article.

Are you with me so far? I ask because I haven't got to my subject yet!

GUARDIANS AD LITEM

That subject is the group of lawyers known as guardians at litem, or guardians in law. Think of them as the children's lawyers.

The WV Supreme Court of Appeal has recently issued a case, *Palmer v. Justice*, January, 2011 suggesting the standards under which a guardian ad litem, appointed to represent a child or children, should operate. As a result of that case, a new set of written standards, Rule 47 of the Family Court Rules, have been issued.

My thought was the potential guardians just need to study that case and those rules, but I was wrong.

Most, but not all, of the 1000 or so lawyers who attended the seminars, or ordered the cd's, want to be appointed as guardian for children. The children's "impairment" or "legal disability" is their age. They remain under this disability until they are eighteen years old.

As you can see from my previous blog post, <http://tinyurl.com/co75n42> which includes a summary of the topics and speakers at the G.A.L. seminar, and every other seminar I attended in 2012, **there were many intelligent, experienced, dedicated, and compassionate speakers at the guardian ad litem seminar.**

Why then was there a consensus among my colleagues that the seminar missed its mark? In my opinion, here's why:

1. It attempted too much and achieved too little.

2. It put two groups together, lawyers who serve as guardians ad litem in juvenile abuse and neglect (circuit court) cases and lawyers who serve as guardians ad litem in family courts and failed to clarify their distinctive roles.

3. Ah, you say, "Hunter thinks their should have been separate seminars for each group."

Not so!

4. There should have been just one seminar, and it should not have had separate tracks for part of the seminar. **We should have been trained in the specific standards required by each court.**

5. **My perspective is as a lawyer who will be dealing with Guardians at litem both in Family and Abuse and Neglect (Juvenile) Court.**

6. **It is startling to me how little the folks who spend most of their time in juvenile court understand the issues and standards of family court.**

7. **There are some family court lawyers who accept Juvenile court appointments, but the very strict time constraints in juvenile court make it hard to practice in both courts.** And, the court appointed nature of guardian ad litem work means that lawyers acting as guardians ad litem must be willing to work for less than \$100/mo., something someone like me, with four full time staff members, cannot do.

8. **One fellow bragged, and I know of at least one other who does the same thing, that he practices out of his car, with virtually no staff.** To such folks, and to lawyers who live off of court appointed criminal defense and mental health work, this hourly rate can seem at least acceptable. It will not "pay the freight" for a modern office.

9. **What I learned from listening to the various speakers is:**

a. **There are way too many metaphorically blind people holding on to many parts of a very big elephant.** Most of them are not getting the big picture.

b. **Putting a panel of distinguished guests on for 35 minutes gives each one barely 8 minutes to get her/his point across.** A four person panel should have at least two hours. These panels were a waste of our time.

c. **This eight hours of training was the result of Palmer v. Justice, above, and Rule 47 of the Family Court Rules.** So, we should have focused on those standards, right?

d. Instead of being taught the current standards, we were addressed by a bunch of people telling us what she or he was already doing, either as a judge, a guardian, a social worker, or a counselor.

e. Does the state really want the lawyer to take her charge to her old college alma mater to motivate the child into studying hard? Really?

f. Has anyone thought about the fact that guardians ad litem and social workers have tremendous power over these children, to visit these children at school, interview who they want, to spend time with the children away from their parents, and to summarize their findings based on their own values, and make recommendations that will profoundly affect their future? **Not one word was said about the possibility that a legal guardian is in a perfect position, if so inclined, to abuse these children sexually.**

g. The new minimum expectations of a guardian ad litem, to review the file, interview witnesses, interview the parents, interview the child, and write everything into a report by a specific deadline simply **cannot be achieved with existing funding. And greater funding will not be possible.**

h. A lame assertion that a child can be guided towards academic excellence, as a counter to bad parenting and a bad home environment, just did not hold water with me.

i. I received the essential standards of *Palmer v. Justice*, and Rule 47 from Prof. Margaret McDiarmid's one hour presentation at the Family Law C.L.E. at the Law School three weeks ago. **What I heard at the GAL seminar was conflicting and confusing.**

j. There was no real effort to reconcile the huge differences between abuse and neglect court and family court where the fundamental assumptions are different, the resources are different, the judges are different, and the lawyers are largely different.

k. Abuse and neglect court assumes there is.....why, ah.....ABUSE AND NEGLECT!

l. Family Court assumes that the parents are fit.

m. One of the G.A.L. seminar attendees asked a question that I liked. She went on a tirade, expressed exasperation, showed anger, and made the speakers uncomfortable. She vented her anger at what she perceived to be arrogance by prosecutors and social workers **and a system that all too often favors removal over rehabilitation.** The next speaker voiced agreement with her views.

n

. Too many speakers at this seminar had no clue what family court (divorce) lawyers do! They were used to having multidisciplinary teams, social workers, counselors, teachers, and others available to the families at no charge.

o. I actually heard an admission that "overlap rules" designed to get the juvenile court and the family court to work with one another had not worked, "Because we have only had 5-6 years to implement them."Five or six years?!

p. The questioner voiced her belief that as soon as the social worker hears there is a family court case, they tune it out under the theory the parties will fight it out or the family court will handle it. That has been my experience.

q. The social workers are now having to follow a computer program that drives the process and removes judgment and initiative. We in family court are pretty much ignorant of these standards. Reading one of the reports the program generates causes headaches and confusion.

So, what's my point in writing about this?

1. I believe that Rule 47 and the eight hours of training have failed to establish realistic, consistent standards our guardians ad litem can follow.

2. I believe that the ignorance of WVDHHR Child Protective Services workers of the Family Court and its standards makes it impossible for them to work effectively with family law lawyers and guardians.

2. I believe that by telling trainees they should not apply their personal moral standards to their work as the guardian ad litem our trainers revealed an essential flaw in the guardian ad litem appointment system.

3. I believe too little attention was given to the underlying problem of the breakdown of our society.

4. And, I believe that too little attention was given to the fact that West Virginians, who I love, are the most, or nearly the most, obese, sedentary, intellectually limited, poverty stricken citizens of this country.

5. Having spent the last three days with three grandchildren ages 3-8 who are each adept at using iPads and iPhones, **I am struck by the almost total lack of recognition by seminar speakers that WV children are growing up at a time of great social and technological change** and many are not being prepared for that change.

6. I believe that it is silly to say we are going to apply just "objective standards" for a child's living environment. What is the source of those standards?

7. Those guardians who are strong, fundamental, Christians are going to apply their faith to their work. Political liberals have their view, and I know I have mine. What are the "can't helps" (Oliver Wendell Holmes, Jr.) to which we all can ascribe?

8. I believe our society has certain inherent flaws:

a. Abundance, and an economy driven by personal consumption and gratification; and scarcity, among many of our citizens.

b. Exposure of its citizens to environmental toxins, chemicals, pollution, dangerous drugs, processed, low nutrient, high sugar, food, and a constant stream of informational garbage.

c. The impossible conundrum that the strongest source of our societies values, its faith based religious component, tends to rely on "our guy had the truth" arguments. I have talked about this in my blog article, "Burt's Views on Religion and Religiosity", [2]<http://tinyurl.com/6lu7dyx>.

d. Our own church here in Buckhannon has had attendance drop precipitously. Some would blame our less than charismatic minister, but our district superintendent preached last week and revealed more than she intended. She pointed out that 100 years ago 85 % of families attended church regularly. Now it is 20 %, and in ten years, is projected to be 10 %. She warned our society was becoming atheistic. **She wants us to return to our ancestors faith, of the 1800's and earlier; faith in the supernatural.**

e. She was very inspiring, but what I our churches can accept is we cannot expect our people to believe what our ancestors believed before Darwin, Einstein, and Watson and Crick. What in the world are we doing justifying good behavior by supernatural claims? **How can we maintain our "can't helps" if we must believe water can be turned into wine,** people can be brought back from the dead, and a mentally ill woman actually had demons in her that can be cast into a flock of sheep by a charismatic leader.

f. Proponents of the secular values, and the "new atheists", just cannot articulate to my satisfaction how we can go forward without religion, and the advocates of religion cannot convince me that we can return to the ignorance and superstition we relied in the past on to keep people in line before we had the knowledge of modern science.

g. Modern American education seems unable to foster curiosity, broad learning, a quest to know who we are, how we got here, and where we are going.

h. The digital revolution allows constant social chatter, (which I greatly enjoy by the way), online porn, terrorist cells to communicate and collaborate, fantasy sports and gambling, near instant entertainment opportunities, in music, video streaming, and a strange thing called FARMVILLE. Why do my FB friends need so many sheep??

i. It also allows instant access to hundreds of thousands of free college courses, Wiki-pedia, the largest encyclopedia in history, vastly improved communication and productivity, and instant access to the wisdom of the ages.

Please note, I have no easy solutions to the problems of our society. I am somewhat proud that I have been able to identify them. With the American family falling apart, our law enforcement and courts becoming overwhelmed, religion on the wane (with nothing clear to replace it), the challenge to the guardians ad litem is a daunting one.

We can fix the problem of the G.A.L. seminar easily, with a tight/concise, one hour, video presentation by someone thoroughly familiar with family

and

juvenile court, reminding them of their basic responsibilities. **Send me the DropBox link, and I shall be happy to view it.**

We need new, enlightened, thinkers, focused on technology, education, order, problem solving, and the essential "can't help" our struggling species must adhere to if we are going to survive.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/11/KidwithiPad.jpg>
2. <http://tinyurl.com/6lu7dyx>

2012 Seminars Attended to Date (2012-11-20 16:30)

As I work on my "big article" on Guardians Ad Litem and their link to larger problems of society, here is evidence that I practice what I preach. Every lawyer needs continuing education. I cannot claim my college courses on calculus, Ancient Egypt, or statistics, or my various reading projects, but here are the CLE sessions I have attended and been given credit for by the WV State Bar during 2012. This is a typical year. Broad training helps a lawyer maintain currency, and even improve his skills.

SEMINARS

GEN # _SUBJ #

NAME _OF _SE

NAME _OF _SU

DATE

SPEAKER

PLACE

PATERNITY DISPUTES

ADVANCED FAMILY LAW SEMINAR

NON-TRADITIONAL FAMILY STRUCTURES AND PATERNITY DISPUTES

2012-01-17

C. PAGE HAMRICK III

CHARLESTON

ASSET CASES

ADVANCED FAMILY LAW SEMINAR

NAVIGATING COMPLEX ASSET CASES

2012-01-17

LANE ELLIS, JR.

CHARLESTON

CONTEMPT

ADVANCED FAMILY LAW SEMINAR

EFFECTIVELY ARGUING CONTEMPT ISSUES

2012-01-17

C. PAGE HAMRICK III

CHARLESTON

CHILD & SPOUSAL SUPPORT

ADVANCED FAMILY LAW SEMINAR

ADVANCED CHILD AND SPOUSAL ISSUES

2012-01-17

C. PAGE HAMRICK III

CHARLESTON

MILITARY DIVORCE

ADVANCED FAMILY LAW SEMINAR

SPECIAL ISSUES IN MILITARY DIVORCE

1100

2012-01-17

C. PAGE HAMRICK III

CHARLESTON

ESTATE PLANNING

ADVANCED FAMILY LAW SEMINAR

DEATH AND DIVORCE-ESTATE PLANNING CONSIDERATIONS

2012-01-17

CHARLES R. WEBB

CHARLESTON

ETHICS

ADVANCED FAMILY LAW SEMINAR

ETHICS

2012-01-17

CHARLES R. WEBB

CHARLESTON

VIOLENCE

ADVANCED FAMILY LAW SEMINAR

VIOLENCE IN THE HOME

2012-01-17

HON. MARY ELLEN GRIFFITH

CHARLESTON

INTRO TO MEDIATION

WV STATE BAR: MAGISTRATE COURT MEDIATION TRAINING

INTRODUCTION TO MEDIATION

2012-01-28

TOM PATRICK

MORGANTOWN

INFORMATION STAGES

WV STATE BAR: MAGISTRATE COURT MEDIATION TRAINING

ORIENTATION AND INFORMATION STAGES

2012-01-28

DEBRA SCUDIERE

MORGANTOWN

RESOLUTION

WV STATE BAR: MAGISTRATE COURT MEDIATION TRAINING

OPTION & RESOLUTION STAGES

2012-01-28

MICHAEL D. MCDOWELL

MORGANTOWN

PRO SE LITIGANTS

WV STATE BAR: MAGISTRATE COURT MEDIATION TRAINING

DEALING WITH PRO SE LITIGANTS

2012-01-28

TAMMY F. MARPLE

MORGANTOWN

MAGISTRATE COURT MED.

WV STATE BAR: MAGISTRATE COURT MEDIATION TRAINING

MAGISTRATE COURT MEDIATION PROCESS

2012-01-28

CAROLINE STOKER

MORGANTOWN

QUESTIONS

WV STATE BAR: MAGISTRATE COURT MEDIATION TRAINING

QUESTIONS

2012-01-28

ALICIA LAUDERMAN

MORGANTOWN

STOCKBROKING & INVESTIN

WVAJ 54 ANNUAL CONVENTION AND SEMINAR

HOLDING STOCKBROKERS & INVESTMENT COUNSELORS ACCOUNTABLE

2012-06-07

STEPHEN P. MEYER; DAVID P. MEYER

CHARLESTON

SUPREME COURT UPDATE

WVAJ 54 ANNUAL CONVENTION AND SEMINAR

THE VIEW FROM THE TOP: WV SUPREME COURT UPDATE

2012-06-07

BRENT D. BENJAMIN

CHARLESTON

DIGITAL LAW PRACTICE

1102

WVAJ 54 ANNUAL CONVENTION AND SEMINAR
EMERGING TRENDS IN THE DIGITAL LAW PRACTICE
2012-06-07

PAUL UNGER
CHARLESTON

LAW OFFICE TECHNOLOGY

WVAJ 54 ANNUAL CONVENTION AND SEMINAR
LAW OFFICE TECHNOLOGY:TIPS, TRICKS, AND GADGETS (INCLUDING IPAD)
2012-06-07

PAUL UNGER
CHARLESTON

LITIGATION-SOFT TISSUE

WVAJ 54 ANNUAL CONVENTION AND SEMINAR
THE HARD SELL:EFFECTIVE LITIGATION STRATEGIES FOR SOFT TISSUE INJURIE
2012-06-07

TRUMAN GRIFFITH, THOMAS H. PEYTON, HARRY P. WADDELL
CHARLESTON

FORENSICS

WVAJ 54 ANNUAL CONVENTION AND SEMINAR
UTILIZING FORENSICS TO BUILD YOUR CIVIL CASE
2012-06-07

KEVIN RIDER, ROBERT RUFUS, THERIAULT, TIM C. BAILEY
CHARLESTON

NEGOTIATING STRATEGIES

WVAJ 54 ANNUAL CONVENTION AND SEMINAR
MAKING THE OFFER THAT CANT BE REFUSED:NEGOTIATING STRATEGIES THAT PAY
2012-06-08

JAMES G. BORDAS III
CHARLESTON

LITIGATION

WVAJ 54 ANNUAL CONVENTION AND SEMINAR
LITIGATING IN THE COURT OF CLAIMS: REPRESENTING CLIENTS AGAINST STATE
2012-06-08

J. DAVID CECIL; GEORGE E. FORDHAM JR; MCCARTHY; LONNIE C.SIMMONS
CHARLESTON

MEDICAL RECORDS

WVAJ 54 ANNUAL CONVENTION AND SEMINAR

MANAGING MEDICAL RECORDS: WHAT YOU NEED; HOW TO GET IT;HOW TO ANALYZE

2012-06-08

CAROL HART

CHARLESTON

DRAM SHOP CASE

WVAJ 54 ANNUAL CONVENTION AND SEMINAR

EFFECTIVELY LITIGATING A WV DRAM SHOP CASE

2012-06-08

MARK WILLINGHAM

CHARLESTON

JUDO LAW

WVAJ 54 ANNUAL CONVENTION AND SEMINAR

SHOWERING THE DEFENSE ON ITS OWN TACTICS:THE ART & PRACTICE OF JUDO L

2012-06-08

GARY C. JOHNSON

CHARLESTON

CIVIL LITIGATION

WVAJ 54 ANNUAL CONVENTION AND SEMINAR

THE DO'S & DON'T'S OF CIVIL LITIGATION:THE VIEW FROM CIRCUIT BENCH

2012-06-08

MICHAEL ALOI; LOUIS BLOOK

CHARLESTON

EDISCOVERY

WVAJ 54 ANNUAL CONVENTION AND SEMINAR

EDISCOVERY:STREAMLINE YOUR WORK THROUGH TECHNOLOGY

2012-06-08

TERESA EVANS

CHARLESTON

FEE AGREEMENTS

WVAJ 54 ANNUAL CONVENTION AND SEMINAR

ETHICAL ISSUES IN ATTORNEY-CLIENT AGREEMENTS

2012-06-08

ALLAN N. KARLIN; JESSICA H. DONAHUE RHODES

1104

CHARLESTON

ETHICAL CONCERNS

WVCLE SOLO AND SMALL FIRM CONFERENCE

TOP 5 ETHICAL CONCERNS FOR LAWYERS IN E-DISCOVERY

2012-11-02

BRETT BURNEY

MORGANTOWN

BANKRUPTCY

WVCLE SOLO AND SMALL FIRM CONFERENCE

THE MARRIAGE BETWEEN DISSOLVING MARRIAGES & BANKRUPTCY

2012-11-02

ANDREW S. NASON

MORGANTOWN

DISCOVERY

WVCLE SOLO AND SMALL FIRM CONFERENCE

JUGGLING LITIGATION DOCUMENTS IN DISCOVERY

2012-11-02

BRETT BURNEY

MORGANTOWN

APPS

WVCLE SOLO AND SMALL FIRM CONFERENCE

30 APPS IN 30 MINUTES

2012-11-02

BRETT BURNEY

MORGANTOWN

ETHICS UPDATE

WVCLE SOLO AND SMALL FIRM CONFERENCE

ETHICS UPDATE FOR SOLO AND SMALL FIRM ATTORNEYS

2012-11-02

RACHAEL FLETCHER CIPOLETTI

MORGANTOWN

SEXUAL HARASSMENT

WVCLE SOLO AND SMALL FIRM CONFERENCE

SEXUAL HARASSMENT AND WHY ITS OUT OF CONTROL

2012-11-02

KAREN HAMRICK

MORGANTOWN

IPAD

WVCLE SOLO AND SMALL FIRM CONFERENCE

USING THE IPAD IN A LAW PRACTICE: INTRO TO IPAD BASICS

2012-11-03

BRETT BURNEY

MORGANTOWN

HIRING AND FIRING

WVCLE SOLO AND SMALL FIRM CONFERENCE

HIRING AND FIRING: WHAT TO DO AND WHAT NOT TO DO

2012-11-03

KAREN HAMRICK

MORGANTOWN

IPAD

WVCLE SOLO AND SMALL FIRM CONFERENCE

USING THE IPAD IN A LAW PRACTICE: ADVANCED IPAD TOPICS AND USE

2012-11-03

BRETT BURNEY

MORGANTOWN

COURT DIVISION

WVCLE SOLO AND SMALL FIRM CONFERENCE

NAVIGATING THW UNCHARTED WATERS OF THE NEW BUSINESS COURT DIVISION

2012-11-03

DEVA A. SOLOMON

MORGANTOWN

SUING THE STATE

WVCLE SOLO AND SMALL FIRM CONFERENCE

A ROAD MAP FOR SUING THE STATE AND POLITICAL SUBDIVISIONS

2012-11-03

LONNIE C. SIMMONS

MORGANTOWN

VA CLAIMS PROCESS

WVCLE SOLO AND SMALL FIRM CONFERENCE

THE VA CLAIMS PROCESS: FROM FILING TO AN AWARD AND APPLICATIONS

1106

2012-11-03

MAJOR L. AMBER BRUGNOLI

MORGANTOWN

GAL RULES

WVCLE FAMILY LAW MS 2012

NEW GUARDIAN AD LITEM RULES: WHAT IT MEANS TO ATTORNEYS, CLIENTS, GAL

2012-10-19

MARJORIE MCDIARMID

MORGANTOWN

FAMILY LAW

WVCLE FAMILY LAW MS 2012

UPDATE ON FAMILY LAW: WHAT IS HAPPENING TO FAMILY LAW IN COURTS

2012-10-19

DAVID P. GREENBERG

MORGANTOWN

HEALTH CARE CHANGES

WVCLE FAMILY LAW MS 2012

WHAT THE NEW HEALTH CARE CHANGES MEAN TO FAMILY LAW ATTORNEYS & CLIE

2012-10-19

KENDRA FORSHEE

MORGANTOWN

ELECTRONIC EVIDENCE

WVCLE FAMILY LAW MS 2012

ETHICAL CONSIDERATIONS OF SOCIAL NETWORKING, INVEST., & ADVISING

2012-10-19

ANDREA J. HINERMAN

MORGANTOWN

ELECTRONIC EVIDENCE

WVCLE FAMILY LAW MS 2012

ETHICAL CONSIDERATIONS OF SOCIAL NETWORKING, INVEST. & ADVISING

2012-10-19

ANDREW S. NASON

MORGANTOWN

ALCOHOL & SUBS. ABUSE

WVCLE FAMILY LAW MS 2012

CREATIVE WAYS OF DEALING WITH ALCOHOL, SUBSTANCE ABUSE & ANGER MAN.

2012-10-19

PATRICIA KELLER

MORGANTOWN

RELOCATION

WVCLE FAMILY LAW MS 2012

RELOCATION: ROUND THE STATE HOW TO MAKE A CASE

2012-10-19

JEFFREY CULPEPPER, SALLY G. JACKSON, LORRAINE ECKARD

MORGANTOWN

VALUING PROPERTY

WVCLE FAMILY LAW MS 2012

EVERYTHING YOU NEED TO KNOW ABOUT VALUING PROPERTY IN A NUTSHELL

2012-10-20

DEAN DAWSON

MORGANTOWN

VALUING PROPERTY

WVCLE FAMILY LAW MS 2012

EVERYTHING YOU NEED TO KNOW ABOUT VALUING PROPERTY IN A NUTSHELL

2012-10-20

LISA LYNN

MORGANTOWN

ALIMONY & CHILD SUPPORT

WVCLE FAMILY LAW MS 2012

FINANCIAL CONSIDERATIONS TO KEEP IN MIND WITH ALIMONY & CHILD SUPPORT

2012-10-20

ROGER A. GRIFFITH

MORGANTOWN

VALUING A BUSINESS

WVCLE FAMILY LAW MS 2012

VALUING A BUSINESS, READING A TAX RETURN, & PRESENTING EQUIT. DISTRIB

2012-10-20

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MORGANTOWN

Getting Mediation Right (2012-11-14 14:48)

A late arriving client allows for this short post. I intend to figure out a way to insert a long string of comments from lawyers and mediators nationwide from my Linked In ABA "Family Law Professionals" group. It is very illuminating of the different attitudes and approaches to mediation nationwide.

For now, I just want to note what two good lawyers and a good mediator can accomplish. Lawyers, even they get cranky, and clients, even when they get a bit snarly, can work together through discovery, and conclude a case as we did yesterday.

Polite inquiries, even accusations, can be conveyed quickly by e-mail, investigated, and answered. Discovery Rules can be followed, and the parties can show up at mediation, prepared with facts and documentation, and prepared to negotiate a solution.

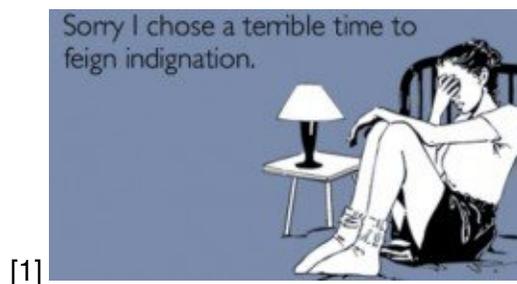
When parties can afford counsel, and when counsel and the mediator have trust and competency, good things can happen. Yesterday we did just that, and the parties figured out a parenting plan, the disposition of the

former family residence property (over which there was a dispute as to value and ownership), and the division of debts (some of which were contested), retirement plans, insurance plan cash value, personal property, and spousal support, and "fault". They agreed to get at "no fault" divorce.

Now, the parties get to move on with their lives and "divorce their lawyers" at the very first hearing, in December. Many couples are just loading their weapons at this stage, but these folks get to leave the field of battle, in six months or less, and move on with their lives. Think about it!

11.3 October

Feigned Indignation (2012-10-12 12:33)



[1]

This is a follow up to my post of April 27, 2011, "Disingenuous Lawyers": it is a small thing, but very telling to me as to whether I can trust a lawyer who pulls this trick.

The lawyer in question knew that I had a trip of over 600 miles to get back to town.

I had travelled to St. Louis, driving 11 hours, on Sunday. On Monday an order came in setting the hearing on an emergency motion for Tuesday.

I left for home after depositions on Monday, but energy flagged after six hours of driving back, and I checked in to a Holiday Inn Express.

Monday morning, an order arrived, setting a hearing for 3:00 p.m Tuesday for an emergency "ex parte" motion I had filed. Because of computer and human error, I did not learn of the order. I travelled the remaining 6 hours on Tuesday, blissfully unaware.

Still, **I arrived home by 2:00 p.m.**, thinking my afternoon was clear, and commenced checking my e-mail. At 3:50 p.m. my staff calls to advise the judge is curious whether I am coming to the hearing! My trusty WRX gets me to the court house steps 11 minutes later. I arrive panting, in my orange shirt and jeans, sans tie.

My opponent was there, smiling, perky, and so solicitous. "These things happen." she says. "However, my client has been greatly inconvenienced, so I will have to ask for \$200 sanctions for my wasted time."

Oh, really? This lawyer has my e-mail address, my cell phone number, my office phone no., and my home phone number, and she knows I am "connected" with iPhone, iPad, Laptop, and desktop. She knows my staff is highly efficient and could, as happened when the judge called, reach me in seconds. In short, if she wants to know where I am and why I am late, she can get that information nearly instantly.

But, did she call to see where I was? Was she concerned I might have wrecked or had a break down? She did not. and was not. I think Dr. Seuss wrote a tale based on this concept. Horton would have called the Mazie Bird if he had her number.

What I realized later is this lawyer knew exactly what she was doing. She hoped that I had forgot the hearing (or in this case, didn't know about it)? That way, even if the judge called me, and I got there, I would be late and frazzled, which I was.

Ideally, in her mind, I would still be an hour away, and she could appear unopposed.

No, she didn't care about her client's being inconvenienced, OR my being embarrassed. She wanted to be able to feign indignation, claim inconvenience, and if I was a "no show", to frame the issues for the judge.

My emergency relief requested was simply something called a "constructive trust". That is, that the parties be prohibited from selling or disposing of marital assets, something the other lawyer conceded her client had been doing. The dispute was how much was disposed of, and that wasn't even to be heard that day.

So, here is the practice tip. What goes around comes around. There will be a day when YOU are the lawyer who is late for a hearing. SO, **call the other lawyer's office, inquire if he is ok, remind his staff he was to be at the hearing, and hope other lawyers will be considerate of you.**

This is my policy; I have done it dozens of times. I do not think it is disloyal to my client to treat the other side with common courtesy. Many lawyers disagree with me. I disagree with them.

This was not one of those days for me, and I shall ALWAYS remember it. And, if this client runs out of money, he will still have a lawyer. This case has my full attention, and if the other side is in the wrong, I WILL prove it.

Tricks like this poison the atmosphere at mediation and are never worth the harm it does to the lawyers' professional relationship, but I see it happen every day.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/10/Feigned-Indignation.jpg>

Sharing is Good (2012-10-05 11:23)



[1]

The purpose of this blog is to share ideas, help others who are confronting challenges, help bring new lawyers along, help reach a consensus among my colleagues about best practices, and to show that I know a few things.

"Social Media Marketing" as I see it involves a measure of sacrifice and generosity.

Over my 36 years of practice in WV, my staff and I have designed various intake forms, checklists, ticklers, handouts, and informational pamphlets. Some that I used today are nearly that old, with various revisions.

I also have a voluminous "Policies and Procedures Handbook" which needs many revisions and tweaks to be ready for "prime time".

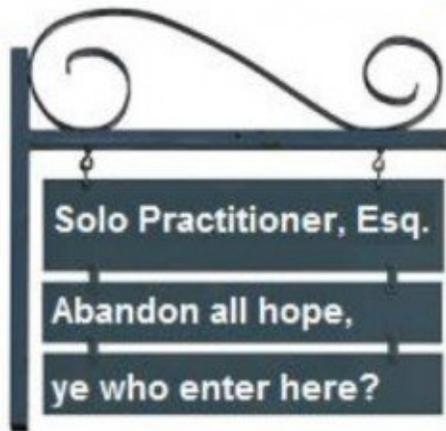
I have created a DropBox folder with 85 such forms. Just write me at [2]hunterjb@hunterlawfirm.net, and I shall send you a link to that folder. Let me know if mistakes or proposed improvements, and I shall gladly review your version. Practicing law is a process of constant change and improvement.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/10/Sharing.jpg>

2. <mailto:hunterjb@hunterlawfirm.net>

11.4 September

Hanging Out Your Shingle - Not for the Faint of Heart (2012-09-21 22:08)



[1]

Having consistently written of my profession and perspective during my three years or so of blog writing in a way almost designed to scare young lawyers away from starting up a practice in a small WV town, **I am confronted with one who appears to be determined to do it the hard way.**

I have guided her to my blogs, "WV Lawyer - Tips and Techniques", [2]www.burtonhunter2esq.blogspot.com and my original and primary blog [3]www.burtonhunteresq.blogspot.com, and I think she has actually read some of it. Maybe not. She did have that little thing called the Bar Exam, and a knee operation! But, she passed and healed, and now says she is ready.

Yep, she is going to jump straight from law school and the bar exam to "hanging out my shingle"! A shingle of course is your name on a sign, a bit like "The Pig and Whistle" and "Durdy Nellies" if you are an English or Irish pub.

Rather than list the reasons this just can't be done, I want to be supportive and very helpful. After all, if you could help caulk the seams, or contribute some extra padding, to a person going over Niagara Falls in a barrel, you would wouldn't you?

Actually I have met two such persons recently, but the other attorney is a bit more experienced and has a method of transitioning from a related job to full time legal practice. The pure "hanging out a shingle" successfully, right out of law school, is a rare and challenging feat.

My tips for establishing a practice almost certainly cannot be followed in their entirety. In order to do that, the young lawyer would probably have to give up thought of making any profit the first year and invest \$50,000 and 60 hours a week (or more), six days a week. But, anything less than that can add years to the process of being a fully producing, experienced, lawyer. Did I mention even 2-3 years in a well run firm would be invaluable?

My start as a WV lawyer was with a husband and wife firm, and a year and a half later, taking over a senior lawyer's office for the year he rehab'ed from heart surgery. In each instance there was an office, staff, equipment, and a clientele.

I had four years experience as an US Air Force assistant judge advocate. That was a tough job, so I had been seasoned and hardened, but I had a lot to learn and unlearn. I had never encountered a person so formidable as the Hon. (circuit court judge) William L. (Les) Fury. But that's another story. You can find my name frequently in reported cases appealed to the WV Supreme Court of Appeals.

Here are my thoughts:

1. Read the fall 2012 edition of WV Lawyer, the WV State Bar Magazine. There are features on five WV Lawyers, one a woman, with 250+ years of combined experience. Not much practical advice, but much on character, ethics, dedication, and compassion. Except that Dan Callaghan of Summersville, who has two lawyer sons, urges the young lawyer to start out with a firm to support her. Ouch. I promised I would be supportive and helpful.

2. I hope the young lawyer has great grandma's inheritance, the help of family, or recent lottery winnings, because the days of opening a store front with an I.B.M. Selectric typewriter are over, unless you are committed to a career of limited productivity and living off of the court appointed system until it dries up, and it is going to dry up. I say this, because in this time of fiscal drought, who wants to provide free legal help to poor crooks or juveniles? Their lobby ain't that big.

3. Go interview Bobby Warner of Charleston, Boyd's son. Boyd is a "grizzled veteran" who practiced for decades on the insurance defense side in Clarksburg, WV. Son Bobby, a Charleston lawyer, decided to start his own firm, but with three significant differences that a Buckhannon lawyer must recognize:

a. He has lots of contacts, from his father, and his from his experience in an established firm;

b. He was "hanging out a shingle" with other lawyers and an experienced staff; and

c. He was experienced also; and, I love the next one one:

d. "We were lucky enough to settle two seven figure cases our first year."

4. I recommend that last one too. Those \$500,000.00 to \$2,000,000.00 in fees may come in handy!

5. The most sensible ideas I remember from Bobby's seminar before the WVAJ (WV Assoc. For Justice, the Trial Lawyers), **whose outline I have**, were:

a. Go interview other successful lawyers in a firm or practice like the one you hope to create. Interview women and men.

c. Don't slam the door in a huff, or cut off the branch behind you. Plan your leaving for six months or a year. If your relationship is such you can give your boss a better than average heads up, do so. (I will provide a list of nearby lawyers who seem to be prospering, and you can talk to them.)

6. On the theme of not burning your bridges behind you, I just took an oral history of Bill Dean of Wheeling, now Cincinnati, my old Sunday school teacher, now retired. He must have had 20 jobs in his life, and virtually all of his employers told him he still had a job if the new one did not turn out. Now THAT's a knack. He never had a day without a job to go to.

7. If you have not become a master at technology as a high school, college, or law student, that's a shame, and **it will be a distraction**. The "rap" on women of course is they do not like science and technology. Well, guess what? At the very least, current technology will double your productivity. Ignore that and you are doomed to second rate status and productivity. If women are as good, or better, than male lawyers, they have to be as good or better in technology, office management, and marketing.

8. This is what I think you need:

a. Two powerful, ultralight, wide screen Windows 8 laptops. I know, Wire Magazine has declared "the end of the laptop", but they will last the next five years, and that's essential.

b. Why two? One for you and one for your assistant. You MUST budget for a good assistant. I have often trained recent h.s. graduates, but you really cannot afford to have a novice working for a novice.

c. It is the redundancy that is key. If you are "in the cloud" as I envision, you can drop your laptop down the stairs, snag your assistant's the next day, replace hers, and never miss a beat. If you have everything on one computer, and no backup, you WILL find yourself with nothing some day. Be like the Duffield firm in Huntington that had a devastating fire and never missed an appointment or a hearing. Fire on Friday; new office open on Monday. That's impressive.

d. Have plenty of insurance, malpractice, commercial, auto, home, medical, and an umbrella. Why an umbrella when you are just starting out? What if the guy who injures you has little or no insurance? You may be in a hospital for months, or, worse, at home with no insurance, for months. There is no guarantee a lawyer cannot become homeless.

d. Find a local lawyer who has great paper forms and system and "borrow" his. Ask, and you shall receive. Divorce intake, caretaking functions, financial affidavits and worksheets, object list sheets, "how did you find me" form, regular intake, various handouts, etc. A good lawyer has dozens of such forms and happily shares.

e. Lawyers do not have libraries any more, and the Upshur County Law Library has never been much. **You can drive to the WVU Law School.** I did that for EVERY big case, and it was a lot of fun. The WV Manual prepared by the young lawyers section of the State Bar is outmoded, but take mine home for a month and look over its various practice areas. Scan it if you would like. The Bar no longer sells it, and it is sorely missed. Of course, in WV we have Fastcase, so the case law and statutory law are available, but I love the "how to" stuff.

f. If you can find a friendly lawyer who remembers when lawyers had libraries and still has even an outdated practice oriented library, camp out there. Never take on something new without surveying the law, and using the checklists of Am Jur Practice and Pleading Forms, Proof of Facts, or Trial. These checklists provided what you cannot do with common sense or theoretical learning.

g. Speaking of checklists, I just read, "The Checklist Manifesto" by Atul Gawande, and a couple other books with similar ideas. I love "Scrolling Forward", the history of the document, and The Information by James Gleick. Checklists, systems, and forms should be at the heart of every efficient, productive office, airline, or operating room! Record your policies and procedures as you establish them, and require new employees to

study them.

h. If you simply ask, **there may be a lawyer who has lots of document digital forms and templates.** Get them and use them.

i. **If you know an experienced lawyer with a detailed office "Policies and Procedures Handbook",** even if a bit tattered and needing an update, get a copy.

h. **Since "templates" leads me to thoughts of technology, let me return to that theme.** You have an advantage over the lawyer of 40 years experience in that he has an accumulation of things he has been building on, changing, and jury-rigging for decades. For example, my billing system still has the appearance of a system I created on my trusty Apple II, and some of my spreadsheets and systems started in Visicalc (spreadsheet), Appleworks, and Microsoft Works.

i. **You have a clean slate!**

9. Let's start with that clean slate;

a. **NEVER save a client's paper file; return it or, with permission or lack of response from the client, shred it.** I have 5000 paper client files. It is a HUGE job we have just begun to tackle. Scan all documents as they come in, and you will never face my problem.

b. **Do not bother with a shredder. Have a bin in the office,** and have a bonded company come through each month, take the bin, on wheels, to their truck, and shred it all. All your staff does is drop the documents into the slot. You never have to pay for or fix a shredder.

c. **Have a multi-function printer, copier, fax, (color) scanner, and have a Fujitsu Scansnap S1500 (or whatever the best current model is) scanner** on your assistant's desk, yours, and your home office. They are the size of a loaf of bread, but not portable. They come with Adobe Acrobat Standard, current version, a \$200 product, and cost just \$400 each. We have six of them. A recent review from Technolawyer said that tank manufacturers should contact Fujitsu to see how they do it.

d. **My multifunction machine is a monster,** very powerful and pricey, but, according to Brian Cluxton of HMU/Affinity Consulting in Columbus Ohio and other locations, it is no longer needed by a sole practitioner. Rather than get a \$30,000 Toshiba Studio, etc., Brian says a Brother Multifunction, less than \$1000, will do the job. That's @ \$2000 for all your printing, scanning, and copying needs!

e. Consider doing what I did, but more comprehensively since you are starting out. Have Brian interview you and identify your needs and your goals. Let's him spec out the laptops and their features, other equipment, and host you in Microsoft Outlook. Since you don't yet have an office full of equipment, he probably will not need to camp in your office for two days as he did ours. Maybe you can just go to his office in Columbus; better yet, he will communicate by controlling your computer remotely.

f. What does "host you in Microsoft Outlook mean? It means that your Outlook will be "in the cloud" so your calendar is on your laptop, your secretary's (I mean assistant/paralegal), your iPad, and your iPhone 5.

g. That's right. You must have a new iPad and iPhone. Here's why. The better trial lawyers have begun to use TrialPad or other applications for use in court. You must have wi-fi and 4G. You must be able to project a document, photo, or other visual onto a screen. You must have all the data in your office in your fingertips. Yes, you must! How sad to see a senior, or even younger, lawyer say to the judge. "I do not have my calendar your honor. May I call my secretary?" Although the phone is supposed to be off, the judges, for now, say "all right", but what about when the secretary is in the restroom or gone for the day? Sometimes the judge asks, "How come you do not have a smartphone like Mr. Hunter's?" How embarrassing!

(As an aside: I admit I sneer at **the lawyers who aren't available to their clients via e-mail most days and hours.** Yes, it is a burden, but I do that, and so do some others. If you are to have an edge, offer at least what the best lawyers do, and that will be more than most of the rest. I even know a lawyer who had the nerve to tell me that I have to send her formal letters because, "I do not have a business e-mail." Why doesn't she just say, I don't have a phone, fax, or copier!?" What she says to me is, "I hide from other lawyers and my clients behind outmoded technology." Doesn't she worry those clients will need her? I know I do. Why not help them fix it before it breaks?

)

h. You MUST have this technology, because for five years it will give you an edge, and boy do you need an edge if you are flying without a parachute!

i. And, in five years, everything I say here will be the norm or passe'. You will be fighting for that edge your entire career. I am the last of a breed that can still see strong similarities between my office and the one I walked into at Griffiss A.F.B. or Rexroad and Rexroad. At the end of your career, the office will be unrecognizable. You will be in a "virtual world" where miracles (by today's standard) are normal, and peoples' average retirement age is 80 or more and life expectancies are 120 or more.

j. How did I take so long to get to document assembly? It will be at the heart of your office. I have already written about my preference for Pathagoras over HotDocs. Just search my blogs for "Pathagoras". My question is, **if you can double your document production and efficiency with Pathagoras, digital**

records, and Dragon Naturally Speaking, why in the world would you not want to?

k. And, and I hardly dare go here, but if you are one of the lawyers who operates without a staff (Yes, there are lawyers living off of the court appointed system **[which we must assume will soon leave us]** or doing things like title work or deed preparation, who do not have a staff. While I think doing without a staff, or a "guy Friday", is nuts, the only conceivable way I could see it happening is with technology.

l. A reason it really cannot happen is how do you track your money, market yourself, handle billing, especially the detailed bills required by the state, and AVOID MALPRACTICE, without someone to back you up.

m. I am near the end. One thing I have been stumped by is that it will cost me more than \$10,000, maybe 20 to switching to a practice management, billing, accounting suite. I use a Microsoft Access database (converted from an Appleworks format) for billing, another for client lists, Quickbooks Pro for accounting, and Microsoft Outlook for calendar, tasks, and contacts. **Call Britt Lorish of Affinity consulting and see if she can't get you set up for a small fraction of that with a practice management suite.** You do not have 200 current clients or 5000 closed files as I do. **This will pay vast dividends.**

n. Finally, and this is critical. Whatever it takes, **become a member of the WVAJ, and attend meetings of the WV State Bar.** You will meet many of the best lawyers in the state. Without membership in the WVAJ, formerly WVTLA, I would have earned no more than half of what I earned in my career. Thirty years ago, I came home from a seminar and promptly earned a \$35,000 fee because I had been taught "The Hayseeds Case". Look it up! You will need it too if you practice in WV, "State Farm Insurance vs. Hayseeds, Inc."

o. If you do not go and hang out with them, how in the world will you know who the best lawyers in WV are? Guy Bucci, Tim Bailey, Jim Bordas, Marvin Masters, Jim Fitzsimmons, or a specialty lawyer like C. Michael Bee for his brain injury expertise, or Vince King, the "Insurance Guru of WV". In my era it was the great Stanley Preiser, Charlie Hughes, and many others. Charlie had the index for of all WV insurance cases before Westlaw and Fastcase arrived. That stuff was critical. Vince found my clients an extra \$1,200,000.00 in insurance coverage! You will see a lot of bad trial work in a rural setting. (That is the subject of another article.) **Go to seminars taught by the best in the business, state, and nation. How else to see people like Melvin Belli, Race Horse Haynes, Barry Scheckt, F. Lee Bailey, or Howard Nations?**

p. Go to seminars, at least 3 times the mandatory number of hours per year, in your primary subject areas, and areas you do not practice, like bankruptcy that you need to know something about it. If you have a lawyer with 200 seminars carefully indexed, get his database, and go there frequently. That stuff is a gold mine.

q. Try to figure out where you can make some money, but for awhile you will have to be a master of many areas. In the long run, that's impossible. You will be drawn in some direction and will have to **"go**

with the flow".

It has been a long week, so until I edit and streamline this, it will have to do.

Good luck!

One more tip; **if you really want to know what kind of law to practice, or whether to practice at all**, travel to Atlanta and take two the two day battery of classes at the Johnson-O'Connor vocational testing center. It's @ \$600, and perhaps the best \$600 you ever spend.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/09/solopractitioner.jpg>

2. <http://www.burtonhunter2esq.blogspot.com/>

3. <http://www.burtonhunteresq.blogspot.com/>

Staples and Commas (2012-09-12 20:03)

[1]



Several Months ago I tried to work my way, with an open mind, through a book on language that espouses loosening and ignoring the rules of grammar and punctuation. It is now buried so deeply I cannot find it; probably deleted. I am more likely to read "The Memorable Works of Socrates" by Xenophon than that one.

My teachers at Linsly Military Institute taught us English the right way, by pounding it into our skulls, and by taking off 20 points for a "comma splice". Reading the three books on English language by the venerable Edwin Newman "hopefully" cemented in me a respect for language. (That "hopefully" is an inside joke; hope you got it.)

As for my comment on staples below, an office striving to become "paperless" must abhor staples. Our 7 scanners certainly do. Here is my morning's memo to staff:

09-12-2012

I received documents yesterday stapled. Please throw away our stapler.

I keep getting documents with "said"; not, "Burt said don't use "said"", but "said" when "the", "that", "their", or "those" have the same meaning. "Said" means, "I am a lawyer, and I am an idiot." "The" of course, means the!

I keep getting documents:

a.

Containing compound sentences with no comma; "The boy ran and the girl sang." Occasionally, "The boy ran, and sang." (ouch!)

b.

1122

With a series, "The boy, ran, jumped, yelled and hopped" with the last required comma in the series missing.

c.

I keep getting thing like this. "I like the boy running.", when a possessive is required, "I like the boy's running." There are better examples, but I have caught it and corrected hundreds of times.

d.

I keep getting "sprinkled" commas. Commas placed where no rule requires them. "Joe and Fred, were walking through the woods." Or, of course, "The Panda eats, shoots, and leaves." Who does he shoot? And where does he go?

e.

I still get "comma splices", that is, two sentences spliced together by a comma, and sometimes by nothing. I could go on, and usually do.

To paraphrase the song, "These are a few of my (least) favorite things."

Burt

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>

WV Mediation - Some Practical Ideas (2012-09-08 02:15)

Those of you who think I am cheating by simply adding this link to my other blog, WV Lawyer - Tips and Techniques, do not know the week I have experienced.

If I had the time and energy, it could be a novel.

Mediation is a key to resolving human conflict. The alternatives?

1. A trial; or

2. War.

[1]<http://tinyurl.com/chp4tfj>

1. <http://tinyurl.com/chp4tfj>

Mediation: Practical Considerations (2012-09-08 01:36)

[1]

1124



I last wrote about mediation in my blog, "Perspectives of a Small Town Lawyer" on Sat., June 9, 2012: [2]<http://tinyurl.com/7q23hda>.

In that article I explained some of the differences in family and civil mediation. Yesterday I mediated a case, and **there were only two things agreed to**, the payment of money and the dismissal of a lawsuit. Obviously, that was a civil case.

In a typical divorce with children, property and alimony, issues, there may be 50 things agreed to.

Having successfully mediated three cases this week, a custody battle, the civil case that I mediated, and a divorce between an older couple, I am emboldened to make some suggestions. I shall post this in my other blog also since I believe other lawyers and mediators can benefit from it as can parties facing mediation.

These are things I have learned:

1. Things that promote a mediated settlement:

a. Parties who know what the heck they are getting into. It takes real work to prepared a person for mediation; not just my "object lists" of facts and events, but the emotional and mental challenge of serious negotiations.

b. A GOOD mediator. They come in all ages, sizes, and genders, but I know one when I see one. Humor helps, experience, intelligence, a willingness to take chances, originality, energy, and an ability to make sure the parties can see she/he is sincerely interested in helping each side, and their children if their are children's issues.

c. TWO GOOD LAWYERS. This is a tough one. Lawyers come in all forms too, but there are adversarial lawyers, lawyers with no sense of humor, lawyers lacking experience, lawyers without imagination, lawyers who have not bothered how to learn to negotiate themselves out of a paper bag, and lawyers who make a deal and then try to wheedle and nuance the final documents to give their clients an advantage.

d. The good lawyer in a mediation is exceptionally candid with his client, the mediator, and the other side, while always knowing to keep a few of his cards out of sight.

e. She is pragmatic and innovative. She works with the mediator, to educate, concede weaknesses, offer suggestions, accept guidance, and **BE PREPARED. Perhaps I was not clear here. I said BE PREPARED!**

2. Things that stymie mediation.

a. No lawyers at mediation.

b. A mediation with lawyers who don't trust or respect one another. Recently, I proposed just one thing. The parties were fighting over selling the former family house per court order. One party had occupied the house, and the other spouse suspected a pigsty. The suggestion was, meet at the house, with parties, their lawyers, and the sales agent:

i. The sales agent could advise of anything that was going to interfere with a sale for fair market value.

iii. The lawyer receiving the suggestion actually accused the lawyer who wanted to facilitate the sale of desiring to "pad your fee", and later demanded a "list of every issue you want to cover at mediation because we are not going to talk about certain issues".

iv. Talk about blowing a mediation sky high. That sure did it, and, no doubt, that lawyer conveyed to her client her lack of trust and respect for the other party's lawyer.

v. Because of that lawyer's ineptness, that case went to trial instead of settling.

c. A mediation where a lawyer or mediator lacks the qualities of the first list above.

d. A mediation where one of the parties, or both, is/are inflexible, stubborn, or vindictive. It is the job of a good lawyer to attempt to ameliorate these traits, if possible.

e. A mediation where the lawyer is not prepared to put a reasonable amount of pressure on her own client to appreciate the realities of a situation. "Who gets the couch" is not a "matter of principle"!

Finally, parties should never be bullied or brow-beaten into an agreement, but pointing out the financial and emotional costs, the risks, the delay, the harm to children, and the land mines ahead is an essential job of a good lawyer and a good mediator.

Good luck!

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>

2. <http://tinyurl.com/7q23hda>

Why Klout Went Klunk (2012-09-05 10:18)

My last post was a venting about Klout, who dropped me with a Klunk. Here is their story.

Updates to Your Klout Account

Hello,

Your Klout account may have experienced a score drop recently, and we'd like to explain what happened.

We only allow users to connect one type of Facebook account to their Klout account: either their personal profile or a Facebook page they manage. You're one of our users who chose to associate a Facebook page with your Klout account.

Prior to last week, Klout used Facebook personal profile data as part of your Klout score, even for users with connected pages. Your Score dropped because we are no longer including your Facebook personal profile data in your score calculation. We've made some changes to our product, and are now only using your Facebook page data to better protect your privacy.

Recently, we released a preview of our new site at [1] preview.klout.com . A key feature of this new site is what we call "moments," a showcase of your public content that's influenced others. We proactively removed any Facebook personal profile data from your Klout account so that your personal Facebook posts would not appear as moments on the Klout profile of the Facebook page you manage.

You can [2] [read more about moments and our redesign on our blog](#) .

We would like to offer you two paths:

1) To restore your previous score, and generate personal Facebook moments, re-connect your personal Facebook profile to your Klout account.

Simply go to your Klout settings page on [3] Klout.com , choose "Unlink" next to the Facebook page icon, and click on "Connect Now" to reconnect your Facebook profile. Note that this will re-score your Klout account with your personal Facebook data over the next 24-48 hours. By connecting your Facebook profile to Klout again, your personal Facebook posts may appear on your Klout profile as moments.

2) If you don't want to have your personal Facebook moments displayed on the moments wall for your Klout brand profile, you're all set.

You may keep connected to your Facebook page account as before, but note that you will not receive any adjustment to your Klout Score until we score pages. Scoring Facebook pages is planned for later in September.

We apologize for any inconvenience, and regret not being more proactive in communicating this to our most engaged users. We look forward to all your feedback in this process, and where we can improve going forward. Please contact us at [4] help@klout.com if you have questions or feedback.

Thank you,
The Klout Team

1. <http://cl.s4.exct.net/?qs=aaa4917be3cc1b5268dff2b4220973b7d59e430424ea38144fef166046ede766>
2. <http://cl.s4.exct.net/?qs=aaa4917be3cc1b5285ff6603f132238482dba64121aa143d2864cc6dabe93f10>
3. <http://cl.s4.exct.net/?qs=aaa4917be3cc1b522a140202c5c2a4aa4c69e4701751ac309ac15ded7fd1a803>
4. <mailto:help@klout.com>

11.5 August

Equitable Distribution - WV Divorce Property Law (2012-08-31 18:45)



[1]

Most of my clients have property smaller than this abode in Asheville, N.C., The Biltmore!

There seems to be less confusion about the basics of equitable distribution than other aspects of WV divorce law. Most people who come to me understand that property acquired by the work of either party during the marriage is presumed to be owned 50%/50%. As they say, "The devil is in the details".

That doesn't mean they are happy about it. The man especially does not want his estranged wife to have "half of MY retirement". Most think their stay-at-home wife should walk away with nothing. That helps explain why they are in a divorce. Strong marriages tend to assume everything is shared and both parties equal. But, when a wealthy person marries a pauper, or people in their 40's-60's with adult children and other complications marry, the ramifications can be much different than when two people of similar status marry young.

WV is "An equitable distribution state", not a "community property state".

Here is a practical, not scholarly, explanation:

1. If it was purchased during the marriage, whether by one person's paycheck or both, whether titled in one or both names, and even if it a lottery winnings from a ticket bought from a cashed paycheck, it is marital.

2. If it was inherited by, deeded to, or gifted to the recipient only, by a friend or family member, it is separate

3. If separate property such as cash is deposited into a joint account, or conveyed 50 % by deed to the other spouse, it usually is treated as a completed gift or conveyance of half of that property.

4. If separate property, e.g., the family house owned by a party before the wedding, is secured by a loan, incurred before or during the marriage, and that marital debt is paid off during the marriage with marital income, the increase in the value of the equity is considered marital, and, until that equity becomes as valuable as the separate property, the equity and the separate property are considered "mixed" property. Examples of "mixed" property are:

a. The log cabin on 50 acres, inherited from husband's grandmother, that the parties spent \$100,000 improving, incurring an \$80,000 loan. The "marital" part is the increased value of the property, NOT the amount spent, which might be much more. (Editor: this example requires a dual calculation, the reduction of debt by loan payments made during the marriage, and the increase in value by the investment of marital income.2-25-2015)

b. The real estate becomes marital as that debt is paid off and equity increased. If the other \$20,000 came from separate property of a spouse, there is some law supporting the concept that the contributing person can ask for a variance from the 50%/50 % rule, but the stronger law presumes it as a gift too.

c. The example in b. above is "fact driven"; for example, if the spouse who owns nothing in the cabin expresses doubt about investing \$100,000 into the other spouse's cabin, and promises are exchanged (and perhaps a fence built) assuring the reluctant spouse that if he will agree to incur the loan and pay the payments, that five acres will be carved out around the cabin and a right of way to and from it created as marital property, the spouse who made that promise will likely to be "estopped" from refusing to sign a deed to that five acres later.

d . The better course, of course, is to agree in writing (in order to avoid misunderstandings) and get the deed signed before the construction begins. But, people in love do not always act in their best financial interests, and some promises are soon forgotten. (Editor: The other side of this coin is that guarding and negotiating a pre-nuptial agreement at the beginning of a marriage can lead to tension and resentment that leads to marital strife, even the cancelling of the wedding.)

e .

Where a party works 15 years, building a retirement, before marriage, marries, and divorces 25 years after that, the general rule is the spouse shares 50 % of the retirement accumulated during those 25 years.

f . The "simple calculation" is to divide 25 years by 40 years and to half the result : $25/40 = .625$; $.625/2 = .3125$, or just under 1/3 of the 40 year fund goes to the spouse. The 25/40 is called the "marital coverture".

g . Our WV Supreme Court ruled in 2006, "50 % really means 50 %", when it ruled that the stay-at-home wife of the dog racing mogul, whose marital estate was worth over \$26,000,000.00, really was entitled to \$13,000,000.00+. That case is *Arneault v. Arneault*, 639 S.E.2d 720 (2006)

h . The facts that she stayed at home, raised the children, ran the house, entertained guests, including business associates, and managed household finances, which were considerable,

were sufficient to show an agreed marital partnership. Barring extreme hardship, that's the assumption the court is going to make, especially if to do otherwise would result in a gender preference.

i . Methods of rebutting the marital presumption include proof of gambling addiction, alcoholism, or drug addiction that reduce the marital estate, or just plain stupid-wasted or misjudgment. I once had a case where my client, a title abstracter, came home and warned the husband that his friends had a number of tax liens recorded against them. She urged him to have no business dealings with them. He ignored her, co-signed on their loan, and that debt was determined to be separate.

j . Another twist is when the marital residence is built on the in-laws property, based on assurances the lot will be theirs. Later (They always knew he was a bum!), the parties separate, and the promises to convey the land are rescinded, forgotten, or denied. This scenario is also "fact driven", and the litigation must move to the circuit court since it involves parties who are not part of the marital partnership. Often these issues are resolved at mediation since neither party relishes the expense or delay of another lawsuit, in circuit court, involving one of the party's parents.

k . A gift to parties before the marriages fail are just that. The giver doesn't get to take them back if the spouse is a louse. Thus, a couch that both used, the washer/dryer, and the van put in both names, are marital, but the personal gifts from family, the engraved rifle, or the deed in daughter's name only, remain separate.

Lessons learned from equitable distribution can be hard ones, just as picking the wrong spouse can be. Many people begin to think of getting a pre-nuptial agreement, a subject for another day. (Editors: My case of Lee v. Lee, 721 SE 2d 53 (2011) reveals some of the perils of negotiating your own parenting plan. Both parties here lost because of a down-loaded Internet form!) My thoughts for most West Virginians, even ones who have gained some years, and some property, if you understand the principles below, you just need to make good decisions, consult your lawyer when it is time to make these decisions and manage your property with common sense and compassion. Good luck. And try to marry the right person, for the right reason(s).

1. <http://hunterlawfirm.net/wp-content/uploads/2012/08/8-31-2012-2-43-17-PM.jpg>

On Judging a Book By the Cover (2012-08-31 18:31)



Nancy and Buddy, and Mary and Marley at the dog park in Westport Ct.

If the small town lawyer has a life outside the law, especially if he married the gal from Connecticut who he met during the freshman mixer at his small town college, **he sometimes gets away and learns things outside of that small town.** He learns to treasure such times and experiences and is reminded that first appearances of a stranger can be deceiving.

These adventures include magical trips to The Hawaiian Islands where Burt and Nancy experienced a lava breakout and earthquake, 5.8 on the Richter scale, and to London and Ireland, Durtie Nellie's (oldest pub in Ireland), Bunratty Castle, the Rock of Cashel, and the seaside Village of Kinsale.

A week during son Chris' and daughter in law Sarah's time in Corvallis Oregon revealed crystal clear scenery, the Cascade Mountains, Bend Oregon, the Columbia River, Pacific Ocean, the tall pines, and the wine country of the Willamette Valley. And our visits to our children's home towns of Atlanta, Charlotte, Asheville, and Savannah have each been filled with gems.

But, little side trips can be great also. Here are two:

1. On the day of New Year's Eve, during a visit to my wife's Mother's in Easton Ct.,

we went to "Paul Newman's Restaurant", "The Dressing Room", next to the Playhouse in Westport.

The food was terrific as was a dog park behind it, where Duffy and Buddy had a great time. We went back to the dog park during this trip (August 29 - Sept 1, 2012).

2. An older lady with a cane was pulling the essential little blue bags from the machine, holding us up a bit.

3. Buddy is our 13 year old beagle mix who is afflicted with congestive heart failure but handling it like a champ. Turns out Buddy, and the Lady, who we learned is Mary Wenger, were travelling at the same pace.

4. We learned that Mary's dog Marley is also a "rescue dog", so we had two, and she had one. The term "rescue dog" has some irony I may mention in a future post. Buddy, the beagle mix, arrived at our back door in a snowstorm, and we found the forlorn puppy Duffy, a medium, sleek, athletic hound mix, in the shelter in Buckhannon. They have each rewarded us with lots of love.

5. We also learned Mary is the widow of Don Wenger (USAF Major General Don S. Wenger), a test pilot after WWII, acquaintance of Chuck Yeager, lawyer and doctor, who was doctor to the astronauts. He helped design and test a pressure suit. She says Chuck Yeager didn't quite trust it to 40,000 ft. but another pilot went there and it worked fine. Chuck must have used it too.

6. She explained that her husband liked to wear baggy jeans and just sit down and chat up a person who did not know him. He enjoyed learning about the person and never caused a person to feel "talked down to".

7. In eyeing Buddy's "equipment" (we never had the heart to get him "fixed"; my bad!), she mentioned she is writing a book about the penis , and volunteered some interesting anecdotes, including the number of (minor and major) erections a healthy man has in a day.

8. As we walked into the woods, she mentioned that the manager of the dog park can be "mean". "He once kicked me out!"

9. She explained she had had an encounter with a young woman. I think Mary criticized her unladylike appearance.

10. They had words, which must have distracted Mary, who stumbled and fell down; whereupon, the young woman took Mary's cane and threw it away. She then went to the manager and complained about Mary! He approached Mary, bawled her out, and told her to leave and never come back.

11. Later she encountered the man, who recognized her but was in a different mood. She shared with him that her cat had died, and he was most sympathetic. He asked if she was the lady from the dog park, and she conceded that she was. He asked if she had ever come back, and she advised, "Yes, the next day." He said, "I figured".

12. She talked about living in the Va. with her husband before he retired, and knowing a prominent politician from WV., chief aid to Governor Rockefeller; couldn't quite come up with the name.

13. She insisted on getting my blog address, www.burtonhunteresq.blogspot.com, my name, and the name of my book. (Editor: Alas, Mary never contacted me or reviewed my book. If she tried to find it now, it has grown to 700 pages, and can be downloaded as a PDF file from my website, [2]www.hunterlawfirm.net.)

14. She told us her daughter wrote a book on gardening and then had to defend a copywrite infringement lawsuit, which she won. I tried to find the book but failed. If Mary writes as promised, I shall add a comment.

15. I did not ask if she knew Martha Stewart. I didn't have time to drop in on Martha Stewart, and I hadn't shaved! But, by this time I assumed they were on a first name basis!

16. She promised to write me and to give my book 5 stars on Amazon if it deserved it.

17. She said that her husband's best friend told her at his memorial service, "Of all his wives, you were his true love". Apparently she was the last, and his widow.

18. I asked her if she had been a "trophy wife"; she thought about that a bit, and answered, "Yes, I guess I was. I was 35, and had a good figure."

19. As for struggling with a few names, but only a few, she explained she had just got out of the hospital. There was not one "boo hoo" or complaint, just bubbling energy and enthusiasm, curiosity, and interest, in two total strangers, and their country dogs.

20. She explained that Marley had sustained 9 stitches over the jugular from "a biter" at the dog park, but she really liked our dogs.She discussed in detail how it feels to put a dog to sleep at the vet's and have it relax in your arms. The said her husband had no stomach for that job.

I have done that, and don't like to recall it, but she said the dog's face returned to its look when it was a puppy.

We were friends by the end of our walk.

The other incident was a a simple one, but right on top of our visit with Mary. I bought a book for Nancy and her mother Marjorie, "The Big House: a Century in the Life of an American Summer (beach) Home" by George Howe Colt. **The sales clerk saw it, and said, "I saw this same book in that bin this morning, for \$4.98." I got it and saved \$10.00!** Every business should have employees like that. (Editor: I read that book. An excellent read of the history of a large Cape Cod House. I loved it. Nancy not so much. Later, my friend Peter advised that he knows the house well.2-26-2015.)

Upon returning to the "real world" of business e-mail on my iPhone, I was soon frustrated and even angry, but our little side trip with Mary and the clerk, perhaps 1.5 hours, we learned of two fascinating lives, well lived, and received a small kindness.

Here is Don Wenger's entry in Wikipedia.

Don S. Wenger

From Wikipedia, the free encyclopedia

Jump to: [3] navigation , [4] search

Don S. Wenger (December 18, 1911 – July 10, 1986) was a [5] Major General in the [6] United States Air Force .

Biography

Wenger was born in [7] Monroe, Wisconsin in 1911.[8][1] He attended [9] Milton College , the [10] University of Wisconsin-Madison , the [11] Marquette University School of Medicine , the [12] St. Mary's University School of Law , and [13] George Washington University . As a civilian he practiced medicine in [14] Milwaukee, Wisconsin . Wenger died on July 10, 1986.

Career

Wenger joined the military in 1942. During [15] World War II he served in [16] Germany . In 1949 he was assigned to [17] Chanute Air Force Base . From 1953 to 1957 he was assigned to the Office of the [18] Surgeon General of the United States Air Force . In 1957 he was assigned to [19] Lackland Air Force Base as Chairman of the Department of Surgery. Later Wenger was re-assigned to the Office of the Surgeon General as Chief Professional Consultant. His retirement was effective as of July 1, 1967.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/08/Photo1.jpg>
2. <http://www.hunterlawfirm.net/>
3. http://en.wikipedia.org/wiki/Don_S._Wenger#mw-head
4. http://en.wikipedia.org/wiki/Don_S._Wenger#p-search
5. [http://en.wikipedia.org/wiki/Major_general_\(United_States\)](http://en.wikipedia.org/wiki/Major_general_(United_States))
6. http://en.wikipedia.org/wiki/United_States_Air_Force
7. http://en.wikipedia.org/wiki/Monroe,_Wisconsin
8. http://en.wikipedia.org/wiki/Don_S._Wenger#cite_note-0
9. http://en.wikipedia.org/wiki/Milton_College

10. http://en.wikipedia.org/wiki/University_of_Wisconsin-Madison
11. http://en.wikipedia.org/wiki/Medical_College_of_Wisconsin
12. http://en.wikipedia.org/wiki/St._Mary%27s_University_School_of_Law
13. http://en.wikipedia.org/wiki/George_Washington_University
14. http://en.wikipedia.org/wiki/Milwaukee,_Wisconsin
15. http://en.wikipedia.org/wiki/World_War_II
16. <http://en.wikipedia.org/wiki/Germany>
17. http://en.wikipedia.org/wiki/Chanute_Air_Force_Base
18. http://en.wikipedia.org/wiki/Surgeon_General_of_the_United_States_Air_Force
19. http://en.wikipedia.org/wiki/Lackland_Air_Force_Base

The Delusion of Klout.com; a Lesson in Ego Deflation (2012-08-26 16:07)



[1]

Klout.com was catering to my ego and inflated self importance, showing a steady rise from 13 to 59, still below Justin Bieber and President Obama, but a nice boost to my healthy, perhaps too healthy, ego.

I just read in Wired online that they revised their criteria, adding 400 new factors, so they dropped me from 58 to 38 overnight! The week before I reached the lofty number 59.

It is a good reminder that I need only do what I can and, no doubt, will get what I deserve. My goal online is to educate and entertain, and perhaps draw attention to me and my magnificent staff and the services we provide.

Being a "small town lawyer", I notice that most of my clientele call because of word of mouth, former clients, and the Yellow Pages. There is a growing stream of my former clients bringing their adult children to me.

For all the talk of social media madness, small town folks are still doing what they have done for decades. I am the first lawyer to advertise in the Yellow Pages in Weston or Buckhannon, WV.

Bye Bye "Klout"!

1. <http://www.klout.com/>

Domestic Violence and Family Court (2012-08-20 20:48)

[1]



First let me (humbly) say I am a really good personal injury lawyer. I will code this with some references to that, and I have many good articles on personal injury, insurance, trial preparation, mediation, and trials. God may reward me for writing the stuff below by sending me a good personal injury matter.

In the meantime, someone has to pay the electric bill, and I am just as good in family law, which often involves violence and the threat of violence. In small town America, there is much less money in family law, and cases involving domestic violence often lead to the lawyer's losing money. They can be very time consuming, and people tend not to have a lot of money to throw at such problems.

Anyone who has read my stuff knows that my family law practice has been touched by at least a dozen deaths; 8-9 suicides and 3-4 homicides. I defended one of those cases in a two week trial, and my partner and I invested 1000 hours (1/2 man year) into the monster. The client got out after a dozen years and has returned to farming. Two families were devastated. And I decided to give up felony criminal defense work.

If a parent comes to the magistrates office, or calls the sheriff, or perhaps goes to an emergency room with a bruise, they are more likely than not sent to "Women's Aid in Crisis", WVAIC. I love the folks over there. They are good and compassionate. Often they help my clients. But they are part of a system with very serious flaws.

If that same parent goes to the WV Dept of Health and Human Services, Child Protective Services, WVDHHR, CPS, 90 % of the time they will be turned away. In order to keep from being overwhelmed, the child abuse and neglect standards for review have been standardized and computerized. It is a strange, strange world. Try reading a CPS report and you will see what I mean.

Believe it or not, and you had better believe it if you want to negotiate this murky world, **if the person seeking assistance says, "My lawyer said to come here.", their chance of getting help drops precipitously.**

One would think the magistrate or social worker would think, "An experienced lawyer has looked this over and decided we can help this person. I had better get to it!" Instead, they say, "Here's that SOB Hunter trying to gain petty advantage in his lawsuit. How can I get rid of that person?"

I am not guilty of these charges. While I represent my clients zealously, I am an officer of the Court, and I send only people who I feel qualify for help. Since CPS workers are regularly cross examined and criticized by lawyers, they perceive otherwise, so better to help the client organize their facts and thoughts and send them as if they just came off the street than taint their chances by showing myself.

Either way, the parent is likely to find her way to WVAIC. These folks have one "tool", the domestic violence petition. As they say, "If your only tool is a hammer, every problem looks like a nail."

The WVAIC staff explains the "rules" to the complaining party and, sure enough, the allegations that form on the application the party is given almost magically meet the minimum standards of the law. At one point in a recently year, the magistrate court number and family court number were each 47, meaning 47 women had applied for AND received temporary protective orders that year, and none had been turned down for insufficient pleadings.

That means the Magistrate issues the temporary protective order without a hearing, and another respondent's life is turned upside down.

From the minute that person gets the order, he (it is usually a "he" but not always) usually is allowed no contact with his children. Usually the complaining party gets sole temporary custody, and the respondent must either be ready to put his reputation and life on the line in a contested hearing within 72 hours or move to continue and face weeks away from his family.

Let's take some side trips now:

The juveniles of WV tend to get into the system by getting in trouble themselves or having the state file something against their parents for abuse and neglect. They do not go to the family court. They are in juvenile court, which is the circuit court of their county. No one over there can afford a lawyer, so they are appointed a lawyer. The fee structure until recently was \$45/hour out of court and \$65/hour in court, or half my hourly overhead.

The folks who can afford to take these cases, or, more accurately, cannot afford NOT to take them, often have no staff or very small staff. Once in one of these cases, the counsel and parties are in it for months, if not years. The state has imposed time standards, and "permanency" is now a strong goal, but if you do this work, you really cannot be in family court, because every hearing and multi-disciplinary team meeting trumps every family law matter. You can imagine how happy that makes the family court judge.

The lawyer in these cases take lots of them, so they can spend a morning or day in juvenile court or MDT meetings and charge enough per case to survive. The families caught up in this system at least have free access to social workers, in home services, counselors, psychologists, etc. The people in family court had better have good medical insurance or they pick up the whole tab!

Our innovative Family Court Judge for Braxton, Lewis, and Upshur Counties, Robert Reed Sowa, and members of the local bar, and citizen volunteers, were motivating factors in creating the Tri-County Visitation Center. Somehow it stays funded, and offers an hour of supervised time per week, and attentive note takers tracking the events surrounding the visits. It is a resource many other counties do not have.

And, if the family court appoints the children a lawyer, the parents, or the one who brings home a pay check, has to pay for that lawyer. She/he is called a "guardian ad litem".

The assumption in juvenile court abuse and neglect is that almost everyone abuses. The assumption in family court is usually parents are fit. The assumption in DV court, presided over by the family court is if you have certain things such as bruises, a trip to the emergency room, or witnesses, there was abuse. If not, there probably wasn't.

The long suffering abuse victim, the one who was afraid or to humiliated to come forward is at a great disadvantage. The court just can't handle one person's word against the other. I don't envy them.

Someone noticed that the family court, domestic violence court, and juvenile court do not work together, so they passed a law. Now there are "overlap rules" so when the family court sees evidence of abuse, he/she sends a secret report to the circuit court who can order CPS to do its job.

There were a flurry of these in the beginning, but I haven't seen one in a couple of years.

I know you think you know where I am going here, but you do not. Domestic violence is a very serious problem, even here in Upshur County, especially with the tsunami of meth and prescription pain meds, and good old fashioned alcohol and marijuana. Ten per cent of these cases are very ominous and involve serious violence and threat of serious injury and death.

Half the cases involve significant, if not severe, abuse, even physical abuse.

The less severe one half of these cases still involve conflict, control, and they have dire need for a court to be involved. It was a wonderful development when DV courts were allowed to dismiss cases but keep in place a "no unwanted contact" mutual restraining order. It is a frequently used tool.

And, the man who says, "The system sucks. It always favors the woman." is not correct. True, if he is a typical full time blue collar worker who get overtime, hunts, fishes, and drinks with the boys, and leave the cleaning, food preparation, trips to the doctor, parent teacher conferences, etc. to the mother, the law says the court should apportion time roughly in that ratio.

It is when the fact that the DV court gives the huge boost to the complaining party that disparity injustice can happen. That finding triggers "limiting factors" which give the complaining parent great leverage and control. One court went so far as to say that limiting factors allowed the complaining parent to determine what the visits will be.

I can help a parent climb out of the "limiting factors" but it is a tough process.

I believe an effective lawyer can really help the system work. When I appear for a DV hearing, I politely introduce myself to the complaining parent, in the presence of the WVAIC worker. I encourage the party to get a lawyer. I express my client's regret that it got to that point. **Often, I offer to accept on behalf of my client**

a very limited and structured visitation plan at first. Often, I file a divorce before that hearing is even held. I suggest a no unwanted order in the divorce cases, or in the DV, or conflict or marriage counseling.

Occasionally, rather than roll the dice, we will continue the DV for weeks or months, while the lawyers schedule mediation, send the parties to counseling, and negotiate. Often the DV petition can be dismissed and the respondent's job or reputation preserved.

Of course, if the police decide to charge a domestic battery or assault, the prosecutor may not be willing to dismiss the case. Sometimes sending Mom to her own lawyer who can send a well-worded letter to the prosecutor is the only way to get that matter dismissed. That lawyer must be mindful not to say Mom told a lie in the first place.

The lawyer who gets called into these cases should be experienced and understand human nature, the judges, the workers, the police, and the system. Each case is a puzzle to be solved, and real flesh and blood children's, and their parents', lives are at stake.

Working in family court on cases involving abuse and cruelty does not earn lots of praise or profit, but the best clients truly appreciate the effort. It is not for the faint hearted or for someone who is looking to "get rich quick", but it has its rewards.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>

Practical Tips For Lawyers 8-14-2012 (2012-08-14 19:09)



[1]

For those "Important But Not Urgent" research and writing projects, have a home office where you can get away and get things done, but make sure you can stay connected to staff, clients, colleagues, family, friends; a challenge but "do-able"

So how can a dedicated blogger lose almost a month? Try having two (out of five) staff members go on maternity leave, a summer vacation or four, and a gaggle of children and grandchildren coming through for WV Irish Road Bowling and Camp WV. When you have a comfortable place to visit, people visit. We love it! Add a "southern tour" and 10 acres to mow, and summer time is a busy time. I promise to dedicate a day to shaping up my document assembly system with Pathagoras, just as soon as the weather breaks! More on that later.

Here are some useful tips for anyone with a practice similar to mine; and even, perhaps, for non-lawyers:

Reaching Someone Via Mail

1. We all have to send things to people and make sure they arrive. I wasted years sending "certified mail" to people who refused to pick it up.
2. I used to try to figure out the differences among registered, certified, return receipt, priority, etc. But, for this tip, I am talking here about plain old mail (snail mail) and certified (or is it registered?) mail with a return receipt card.
3. I do not worry about restricted delivery. I just want someone to sign. We will worry about who they are later.

4. Half the time the recipient "smells a rat" and will not pick up the document. So, I just add a certificate of service which is an affidavit by me swearing that I mailed it, and I certify I mailed it return receipt and regular mail. When the regular mail does not come back, I figure I have them! Most judges will accept that if we went to all that trouble, we probably reached our target.
5. Since I want the recipient to appreciate the importance of what I sent, the double delivery, and personal delivery, really help.
6. Of course, in lawsuits, we can get the Sheriff or a process server to serve the documents, and there are always times where "over-nighting" via Fed Ex or UPS is the only way. Rarely will I resort to a telegram, although I here that service still exists.

Achieving Personal Service

1. We no longer have to serve the respondent in person when filing a lawsuit in family court, divorce, custody, or contempt, but I prefer doing so for reasons I touch on above. Too many chances the recipient will claim not to have received the documents. And, most of the time I want them to feel the impact of the suit. It is important, and they should feel that it is important.
2. Over the years we have had hundreds of conversations with process servers who have not or cannot find the person to be served. I cannot remember an occasion however where the sheriff/process server called to complain we provided too much information on the CCIS (Civil Case Information form). Never, "Why did you give me a cell phone and home phone number? Or, "Why did you tell me what bar he hangs out in?"
3. Therefore, more is always better. The mailing address, physical address, e-mail, cell, land line, and personal habits. (e.g. Will be away all of deer week.). That information is very much appreciated by the server, who is already busy and wants to finish this task as easily as possible. Recently, the bar tip was the only effective way to reach our essentially homeless former spouse, but we had to get him served.
4. A good private investigator is an excellent way to track down a missing defendant. Recently, I filed suit on almost the last day of a two year statute of limitations. (Client waited 22 months to hire a lawyer.) Eventually he located the vehicle, still in possession of the defendant, his employer, and at least a million dollars (\$1,000,000.00) per person liability insurance coverage. Now that's helpful!

Getting Someone to Respond to a Mailing

1. Have a tight suspense system. Always post, 2-4 weeks ahead, a reminder to follow up. Practice management programs are expensive but often comprehensive, but you can have a workable suspense system using Microsoft Outlook.
2. Have the file copy at hand. We now have digital copies of almost everything on our file server, in the 1. client's digital file. We have Fujitsu Scansnap 1500 scanners on each desk and a high speed Toshiba Studio Scanner/printer/copier. I have written of them in prior posts to "Perspectives of a Small Town Lawyer", [2]www.burtonhunteresq.blogspot.com.
3. Follow with another request with a bold "SECOND NOTICE". That is often all we need for getting medical bills or records.
4. Do not hesitate to follow up with a phone call. Get a NAME and try to bond. That key person, such as the doctor's wife or records clerk, can be a Godsend.

5. Good luck with the military or federal government; they love to write you to tell you they need your client's SSN which they have in the subject line of their letter to you! This is how I know they do not do enough drug testing at the federal level. Be prepared for a 1/2 hour journey through the federal, or state, phone system.

6. If you have resorted to the phone, take notes, that can help later; write down each extension, each name (at least the first name), the short-cut buttons to a particular office, and do a memo to others.

7. Often, and this is just my stubbornness, I attach my prior correspondence. That means each mailing is larger. And, boy do I have documentation of attempts to get through. Sometimes we get calls begging for us to let up, and even promising service if we will.

Getting a Case Ready to Settle.

1. My intuition told me not to send multiple letters to insurance adjusters. That intuition was wrong. It is essential to keep the adjuster informed, and that he have multiple opportunities to review the file's status and "up the reserve" as necessary. Do not expect to get an adjuster to vary greatly from his/her reserve.

2. Although an adjuster recently complained that I was causing him more work, periodic updates of medical bill totals, my clients recent chat with her doctor, the prospect of future care, information about relapses, and predictions of when I will file the (settlement) demand package, tend to get the adjuster to nudge the "reserve" into a acceptable level.

3. In my family law practice, I have moved to another level. I like to use e-mail, be more conversational, and persistently make my case with the other side. That drives the lazy lawyers nuts, knowing that I am documenting their failure to respond or cooperate.

4. When my client messes up, I try to correct the error quickly, apologize, and focus on something constructive. Other times, I respond to, "Your client's wife hit the child with a rubber snake!" by learning my client's version and writing back the the person wielding the snake was the four year old cousin of the other party. That makes a BIG difference. (Editor: I chuckled at this when I read it, but I have since defended (successfully) a domestic violence petition filed against a five year old and a three year old, by the mother of a two year old. 2-26-2015).

5. I try not to defend my client blindly by repeating everything they say. I test what they say, and apologize quickly if it turns out not to be fact.

6. Rarely, and I mean once a month, I have a case that is just too obvious not to settle. In those cases, or when we are working on a preliminary issue, I make a settlement proposal with numbered, one or two line, paragraphs.

7. I try to ascertain personal injury settlement limits (WV's minimum per person for auto injury is \$20,000) as early in a case as possible.

8. Clearly, if the medical bills are pouring in, and are already at \$10,000; or \$5000 but with the inpatient bill not yet here, I ask for "the limits", and I ask my client's carrier for permission to settle. They have "subrogation rights", but most of my party defendants with small limits have small assets. We alert the under-insured carrier (my client's insurance company) that a "U.I.M." claim is coming, settle the direct liability claim, work to limit the amount paid to subrogated carriers, and focus on reaching the undersinsured (U.I.M) limits too. That can make a \$45,000 settlement be closer in net value to a \$75,000 jury verdict as far as what the client realizes. That is VERY important to the client.

9. Communication is key to a settlement, especially if you are trying to settle without going to mediation or trial. Use ingenuity, wit, careful documentation, and experience to turn the other side slowly to your point of view.

10. And DO NOT overreach, over-promise, or even over-threaten. Those behaviors tend to backfire.

Good luck!

1. <http://hunterlawfirm.net/wp-content/uploads/2012/08/HomeOffice.08.14.2012.jpg>
2. <http://www.burtonhunteresq.blogspot/>

11.6 July

(2012-07-30 20:53)



[1]

Click on URL below for a quick tour of our offices.

[2]<http://www.youtube.com/watch?v=vG-1xGlyuAQ>

My lifetime best friend, Dick Billick, is an office and social media marketing consultant. So, he made me a guinea pig for a new web marketing site he is creating in his home town of Columbus Ohio. He prompted me to do a video of my office and to answer some questions with some shameless bragging. I believe I can back up my answers below with facts, so I am using the basic text and my video as the foundation for this post.

Questions for J. Burton Hunter III

R.E.B.

What challenges did you have at the beginning of your career?

J.B.H. III It was very challenging to have an alcoholic for a boss for nearly 3 years as a USAF JAG officer. I was forced to do my job and attend his meetings. I hope the JAG Corps has learned a better way to deal with such things. It was a very stressful life, **but I survived and gained confidence.** Earlier, as a law student; I hated learning how to think like a lawyer. I was not sure if I could do it. But, having survived the J.A.G. Corp, six years later I was so productive in my first year as a Buckhannon Lawyer that I was able to move on and never look back Being selected as the 1995 WV Trial Lawyers' Assoc. Member of the year, and receiving the group's President's Award, validated my career choice."

R.E.B. Why should we review you?

J.B.H. III *I know a lot, write a lot, read a lot, and although I can sort of wear you out with my views and energy, I am rather interesting. (He says humbly.)*

It is quite unusual for a lawyer in a county seat of 6000 people to attend so much continuing legal education, have such technical grounding, to be able to have such a large support staff. Add to that, passion for what I do, and it is a pretty good mix. If you asked me how I hang in under [the] stress, and in such a poor economy; I would say my genes, my personal love story which allowed me to win a nearly perfect mate, partner, companion and mother to our children, and four handsome, mature, competent children, four perfect grandchildren, and three lovely daughters in law. My wife comes from a wonderful family. I have maintained friendships from kindergarten to date, and several really good, supportive friends are there when I need them. (Almost forgot; I am exceptionally good looking, which really helps.)

R.E.B. Why should anyone choose you over your competitors – what makes your service among the best?

J.B.H. III *Of course I see it as a “no-brainer”: vast experience, vigorous good health, above average intelligence, a good heart, dedication to clients, hard work, in depth understanding of technology, and an innovative approach to solving problems.*

R.E.B.

How long have you been in business?

J.B.H. III *I have been a lawyer forty years this month; a lawyer in Central WV since 1976; and a sole practitioner, with staff of 5, for over ten years.*

R.E.B. Last question: How can a West Virginia resident get your help?

J.B.H. III *I offer a free initial attorney consultation, often over the telephone. The caller is under no obligation to hire me at the end of this consultation. Assuming it is within one of my practice areas, I am sometimes hired to be a legal consultant, not a representative. I can give some guidance outside of my personal injury, family law, civil lawsuit, and mediation practice areas, but it's usually to guide you to a good resource or a lawyer. If we cannot represent you, we still want to help you.*

My law office is conveniently located one block from the courthouse in Buckhannon, West Virginia, One West Main Street. I am available for evening and weekend appointments. If you are unable to come to my office for health reasons, I am willing to come to you. For a prompt response and phone call, or to schedule an appointment, call 304-472-7477.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/07/IMG0007.jpg>

2. <http://www.youtube.com/watch?v=vG-1xGIyuAQ>

A Divorce Lawyer's Plea to Mothers (2012-07-21 14:26)



[1]

Mothers,

PLEASE do not raise a spoiled, entitled, pampered, undisciplined, whiny, petulant, controlling son! Because, when he grows up, he is just going to have to deal with me.

I have encountered a string of adult spoiled brats. They tell their wives what she is going to do, use various forms of coercion and blackmail, sometimes act out physically, and never worry about the wife's needs. They often drift from job to job, but even when they are hard workers on the job, they tend to be insecure and controlling at home.

They sense that they are not good husbands, so they try to limit their wives' friends and contacts, and limit their aspirations, so they will be dependent on them. One lady lost almost 100 lb., but when friends, especially male friends, and co-workers, noticed, his insecurity broke up the marriage.

IF you raise a confident, mature, trusting son, he will want an independent, mature, confident, wife. And remember, she will be your daughter in law!

In a nutshell:

1. Don't be afraid to discipline and set limits. My wife and I were not afraid of corporal punishment, and we will hold up our children as examples of mature adults. But, discipline need not be physical. It needs to be consistent and firm.

2. Don't be afraid to demand a strong effort and commitment to school, church if that's your thing, and other activities.

3. In sports, school clubs, youth groups, and music, do not let them quit! Make them finish out the school year, and do not be one of "those parents" with your son's coaches and teachers. You cannot shield your child from be hurt, emotional or physical. Do not overreact when they encounter hardship. Teach them to endure and overcome.

4. Don't overwhelm them, but keep them active in the 4-H club, church youth fellowships, organized sports, and extra-curricular activities. I would have said Boy Scouts, but that organization has so botched its transition to the acceptance of gays that it currently does not deserve to be a youth organization. That will change.

5. Encourage your son to read, read, read. Hope he has a fire inside to read, but if not, require it, and do everything you can to have him in a school that does so and that teaches him language skills. Guide him towards interests that will help him be a well-educated, capable, adult. Foster curiosity.

You get the point. Do NOT be like the Mother who testified recently in a losing cause on behalf of her son in family court, **"I never made my sons clean up their rooms or do anything around our house."**

Lady, you got exactly the son you deserve.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/07/SpoiledBrat.jpg>

Two Tips : Time Billing and Resources (2012-07-19 13:32)

[1]



Finding time for two blogs is an interesting challenge, but mostly it is a hectic summer, with lots of mowing, a stormy week without power, and daylight savings time that has slowed down the posts.

1. My method for keeping track of my time billing is hardly state of the art, but it works for me.

a. I use a proprietary Access database that I first started using with Appleworks and then converted to Microsoft Works. I trust that anyone who has commenced their practice in the last 30 years has a commercial billing program.

b. I dictate my time entries using: 1. My Outlook calendar; and 2. my e-mails.

c. I usually just review my inbox. When a client questions a bill, we "audit" the file including my "sent" e-mail, which usually adds 10 % to the bill. This is not a punitive measure, and I only bill .1 hr. per item, not .25 as some lawyers do. But, it provides a little cushion so the picky client can see I do more than they may first think.

d. My last post outlined some new dictation methods I am devising, but maternity leave of my paralegal Jamie has squelched my move to "digital dictation" for six months.

e. So, I dictate to a mini-cassette and place it on my billing clerk's desk.

f. Trouble is, I often forget where I left off, so I do not know where to start. I may dictate the same day's entries twice and leave a gap so that I receive a note on the day's entries, "e-mails missing".

g. We have just started having my billing clerk listen to the last few entries first, and sending me an e-mail that I left off at a certain date and time. That should solve that problem.

h. The secondary advantages of dictating time entries from my e-mail is; 1. That I send and receive LOTS of e-mails, which accurately track what I do on a case and, since I have 4-5 assistants, allow me to recover something for our interaction without actually having to bill separately for their time. That saves the clients money too!

2. My second "tip" is that I continue to add dozen of articles, forms, and checklists to a DropBox folder that I called "Colleague Articles". For colleagues I know, I am happy to "share" this DropBox folder. I respect copywrites so I share with a limited number of people and encourage them to subscribe to the publications they find most useful, but for a lawyer starting out, or even an experienced one, this folder has many valuable tips and resources.

This stuff may be "nuts and bolts", but any lawyer who is not capturing and documenting his/her time, even in personal injury or other contingent fee cases, is cheating himself out of income, failing to protect himself over billing questions/complaints, and failing to protect himself for malpractice claims. And, when the fees are reversed, such as an insurance bad faith claim, having proof of what you did is essential.

And the "colleague articles" have been culled from hundreds of articles and dozens of publications, and some are forms created by me for my practice. The small group of friends who has access to this folder has a "treasure trove".

1. <http://hunterlawfirm.net/wp-content/uploads/2012/07/Burt-Phone.jpg>

Dominos or Popcorn - Does It Matter? (2012-07-11 11:25)



A week or so, I posted a Facebook note about Stockton Ca., the first city of its size to file for bankruptcy and opined that it is the first domino and that others will fall because of the combo of the financial meltdown of 2008 and the massive retirements of baby boomers, and of course, many other factors.

Last evening, the news reported that Scranton Pa.'s mayor announced pay cuts for all employees, including himself to minimum wage, \$7.25/hr.

"There is another domino!" I said to myself. But, this morning coming to work in the heat, another analogy came to mind. The pressure (heat) is building on states and cities across the country and they are starting to pop like popcorn! Stockton and Scranton are not linked, but they sure are affected by the same pressures, and many more are going to pop.

The solution? Fareed Zacaria points out we should be welcoming with open arms the 10,000,000 or so hard working legal aliens we receive each year, something that Japan and China simply would not abide. They will pay into our social security system and do the essential work that needs to be done.

I mean no offense to any group, but while we must be a haven for the poor, oppressed, and persecuted, we also need skilled and trained people from all parts of the world. And, we really need to figure out a humane process for those that our porous immigration program encouraged to sneak in here to become integrated into our system. Learn English as your first language and get some education, please!

Being stuck here, working, for another ten-fifteen years past "retirement age", it is easy for me to say, but I think the average American has to re-examine his/her lifestyle. Find time for an hour of physical activity, weights, walking, dance, sport, cut back on portions and carbs, and decide **that 70 is now the "standard" retirement age.**

Finally, time to suck it up, and make universal health care work, but put in preventive and holistic medicine! Demand some personal responsibility.

P.S. : Cudos to our Welfare System for the recent announcement prohibiting the spending of welfare benefits on drugs, guns, alcohol and Cheetos! (So Bill Clintonish!)"

Whoops; it's a Wednesday not Friday; I had better get back to work. 7:14 a.m. July 11, 2012. jbh

1. <http://hunterlawfirm.net/wp-content/uploads/2012/07/DOMINOS.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2012/07/POPCORN.jpg>

Two Examples of a Society in Decline (2012-07-04 16:50)



[1]

Thoughts from a curmudgeon:

1. **My wife and I watch 4 evening news shows** back to back to back to back.
2. **Thus, we know every laxative, sex aid, adult diaper, and pain medication on the market.** The Shingles medication people apparently want us to buy that medicine even before we contract the disorder.
3. Because there are no ads for X Boxes, Wi machines, dirt bikes, or Disney movies, **our children and young adults apparently are no longer watching those shows.** We watched them as kids, or at least heard them in the background, because that was all that was on. Earlier, I confess to getting to watch Howdy Doody, and The Movie Marshall on Channel 7, WTRF, in Wheeling.
4. **Three stories on The ABC News caught my ear and eye:**
 - a. **Ann Curry's tearful goodbye** and mea culpa (apparently for not being young and cute enough) from NBC's Today Show. Her replacement is Savannah Guthrie, who is both younger and cuter. (My wife angrily protests!)
 - b. **The 68 year old school bus monitor** (when did they begin needing those?) who got \$700,000.00 for being bullied and the punishment her tormentors received.
3. **The "Person of the Week" award** to a surprising person.
5. **Ann is leaving because The Today Show's ratings slipped,**and she apparently was blamed. My wife Nancy and our FB friends who responded to my post all thought it was a crying shame, but maybe our opinions don't have the force they once did.
6. **I suggested to Nancy, and she agreed, that Darwin's theory is at work here, but with a slight twist. I call it, "Survival of the Cutest".**
7. **Nancy might be tempted to accuse me of a bit of hypocrisy here** because I have a near reflexive tendency to turn and examine any figure of feminine pulchritude that catches my eye. She claims I am developing some tendencies commonly attributed to "old men". I shall NOT **digress.**
8. **The truth is that t.v. is a visual medium** and watching Katie or Savannah is easier on the eye than Wolfe Blitzer or Candy Crowley.
9. **Nancy actually likes**

Savannah, who apparently has a law degree. She may be a brilliant person, but she appears to need to wear her dress full thigh high as she sits and gives her evening reports to Brian Williams. It certainly makes the reports more interesting to me.

10. But, I find myself wincing during the day and later in the evening when the "hotties" from Channel 12, and CNN, and Fox(actually, I like nearly everyone on The Channel 12 News, even Albert Zip) **utter grammatically incorrect and inane comments** that reveal their lack of experience, depth, and maturity. I remember Walter Cronkite, Harry Reasoner, Chet Huntley and David Brinkley, Howard K. Smith, and many more, and I want to cry.

11. I read Edwin Newman's three books more than once (I know, "Who is Edwin Newman?") and believe that proper word usage, spellage (just kidding), and grammar are not irrelevant. They should be essential. And NO, broccoli is not **healthy** (well, it might be). IT IS HEALTHFUL!!!!!!!!!!!!

12. Having been "outed" as a curmudgeon, let me mention the punishment the middle school bullies received: each got a one year suspension from school and 30 hours community service with the elderly.

13. Community service, if properly administered, is fine. I have no criticism.

14. Perhaps the belt came out, or suitable alternative punishment occurred, at these boys' homes, but I doubt it. If we can afford to pay "bus monitors", I think I may not dislike that idea, since much can go on 60 feet from the driver that he cannot detect.

15. If the monitor is going to be a 68 year old overweight female, or male, at least give them a whistle or "panic button" they can press to get the driver's attention. I recall the tale of my Aunt Kathryn, a teacher before her marriage to my uncle Jim O'Grady, being confronted by an 8th grader with a knife. That was 70-80 years ago in Nicholas County WV.

16. But, punishing these boys by taking them out of the student population, away from the academic environment, and failing to use them as examples of improved behavior for the other students? I say that is more outrageous, or as outrageous, as "survival of the cutest". Nancy says they probably were sent to "alternative school with the other bad kids". I say, then they will be able to exchange ideas!

17. As many of

you know, I attended a military prep school, in my hometown of Wheeling, WV, Linsly Military Institute (L.M.I.). I just "shared" on F.B. a 1959 photograph (my eighth grade year) of our drill field, with 200-300 cadets marching in front of Old Main.

18. When we screwed up, dirty brass belt buckle, hair too long, we appeared before a truly terrifying man, Major, then promoted to Col. Douglas Haigwood. (This fellow was also our music director. My Mother had to call his home and beg his wife not to kill me when I arrived late for the dress rehearsal of the Linsly Minstrel, since renamed the Extravaganza, and refused to go on in!)

19. We would knock on his door, be acknowledged, march to a spot three feet in front of his desk, salute smartly, and say "Private Hunter reporting sir!" He would salute back, and we would discuss the offense. Yes, I went through this ordeal a time or two during my five years at Linsly.

20. If a minor and first offense, he would let us off with a warning. A second offense, or more severe one, got the terse statement, "March one." Or March (#)".

21. Each year we were issued nine (9) lb. deactivated M-1 rifles. At final drills, we would compete, as companies (by class year),

and individually. One action required 28 separate movements. But, punishment duty was much simpler. It was served after school.

22. We reported with our rifles, again saluted, and got in line. We then marched up and down in the basement, with four right hand turns for each rotation. After ten or 15 minutes, just before our arm fell off (A few actually fell off.), we would stop, do an "about face" and commence doing 90 degree left hand turns.

23. We really detested this punishment. It was boring. It was mildly painful. And it was embarrassing.

24. The truth is that Douglas Haigwood, as best I could tell, was a wonderful man. He was compassionate, and he ran that show every year for decades. It was in the Linsly Glee Club, and Jack Randolph's Youth choirs at Chris Methodist Church,

that I, who never had a lesson in music outside of regular school classes, developed some decent choral skills. They even let me sing The Sound of Music, but Col Haigwood, in a rare, and eerily timed error, started the orchestra while I was changing into my blue blazer behind the curtain. And don't worry. The anxiety dreams about my relationship with Col. Haigwood ended 3-4 years ago.

25. Yes, students could and did get kicked out of Linsly. It was a "private" school. But, then, and even now that it has had female students for 25 years, and blazers instead of military uniforms, the environment at Linsly would never have permitted the bullying virus to take hold.

26. I know that with the changes in society, schools and teachers cannot stem the tide, but simply kicking out those kids for a year, is not, in my opinion the right course.

27. Then, at the end of the program, the Person of the Week was announced; none other than actor Kirk Douglas, aged 95, still taking speech therapy for his stroke, **for his courageous role in defying the Joseph McCarthy communist blacklist and hiring someone on that list for his great movie Spartacus.** He and Edward R. Murrow (no cutey pie there; chain-smoking white male) are credited for breaking the blacklist and McCarthy.

28. An interesting aside is that close friends and allies of McCarthy were the Kennedys, father Joe, Bobbie, and yes, John, who managed to repudiate him right at the end but not lead the fight against him. But, to his credit, he learned and wrote "Profiles

in Courage". If updated, Chief Justice Roberts may recently have earned a chapter.

29. So, the OLD CURMUDGEON SAYS, character does matter, education does matter, a society's values do matter, looks aren't everything, and my "can't helps" say there is right and there is wrong even if the rules were not written on a stone tablet by God.

1. http://hunterlawfirm.net/wp-content/uploads/2012/07/BurtDeck_edited-1.jpg

Why Does My Lawyer Act The Way He Does? (2012-07-04 16:37)

1. I am going to post to my FB professional page an e-mail thread of a discussion of my Linked In A.B.A. "Family Law Marketing" group. The discussion actually began "off topic" when someone repeated the question of a client, "How can I get my lawyer to call me back?"

2. What followed, I believe, is a fascinating discussion by the people "in the trenches" representing conflicted family members explaining how they deal

with their clients, manage the fees, and maintain a decent relationship.

3. Out of nowhere came a smug critique by a person I instantly knew is not a family lawyer. Turns out he is a Ph.D. psychologist, apparently who believes he must look like Freud, who accused some members of the discussion of "punitive billing" and criticized us for not being more like him!

4. I waited 12 hours before responding. I am sitting without power, but as of this morning, he has not replied, but a like-minded lawyer supplemented my response and told it from our point of view. Anyone who has a lawyer, has a legal matter brewing, or was unhappy with your lawyer in your last case, should consider reading the entire thread.

5. Those of us who are good at what we do care deeply about our clients and, especially, their children, but we maintain priorities of getting the job done efficiently and economically, and holding a client's hand 24/7 is not consistent with those worthy goals. I will be interested in knowing how a lay person will judge the diversity in views of a dozen experienced family law lawyers and one judgmental psychologist.

Are We Headed to Armageddon? (2012-07-02 15:20)



[1]

I just posted this to FB. Just a few thoughts after a "powerless, phone-less" week-end in the "high 90's".

The thread of (Lewis County Assistant Prosecuting Attorney) Brian Bailey's post echo'ed something I thought of. Our three sons and their families are "roughing in in the N.C. Mountains". They will have a great time. And, there are a couple billion people somehow eking out a living in conditions that our population simply cannot imagine.

We do not grow a garden. I haven't shot anything in a long time, have ammunition 20 years old, and survived as well as we did this week because of our gas grill, gas stovetop, and the fact I just happened to buy 28 lb of ice for the week-end.

We used up 1/4 tank of gas just driving to Bridgeport to get some things, including a charger to take to the office so we could watch a movie on our DVD player. Of course, turns out the office had no power.

An attack on our power grid, if successful, could kill millions and turn our country into the stone age world that Brian humorously imagined. My back up plan was e-mail and phone from the tallest hill on our property using my iPhone 4s. I popped the grill loose on my car getting back down.

I think Americans each need a "disaster plan". We are certainly ready for that gas powered generator we have been putting off. And maybe I need to clean those guns and get some fresh ammunition.

11.7 June

Why Won't My Lawyer Call Me Back? (2012-06-23 17:53)



[1]

The title above was a question posed by someone on my Linked In Family Law Marketing group. I tried to give a concise response, but it turned into this article. If your lawyer has not developed a effective way to keep lines of communication with you, perhaps you have the wrong lawyer.

My technique may not work for everyone, but here it is:

- 1. I am in the office by 7:00 a.m.,** at least an hour before my staff, and clients are told they may call me then.
- 2. I have a staff of five people,** who average 10+ years experience. They know what they can say to clients. I urge them and clients to pass messages through them, and not be too upset if they do not hear my voice.
- 3. I try to give them a meaningful, useful, answer,** whether is is my anxious personal injury for family law client.
- 4. I publish my home number, and give it to my clients.** Believe it or not, they hardly ever call me at home; perhaps one call a week. That's because I am accessible.
- 5. I am a fanatic about my answering my e-mail.** I have iPhone 4s, iPad, Laptop, Desktop. I am CONNECTED!.
- 6. I insist clients write with concise questions.** If they send a book, I refer them to my blog articles on how to communicate with their attorney, and we with the judge. It is essential that client concerns be summarized to concise numbered items. (Judges are too busy for us to follow rambling narratives.

7. I write two blogs; "Perspectives of a Small Town Lawyer", [2] www.burtonhunteresq.blogspot.com and "WV Lawyer - Tips and Techniques", [3] www.burtonhunteresq2.blogspot.com. Often I give them assigned reading so many questions are answered in advance.

8. I have published a book to Amazon Kindle, and I encourage my clients to read it. It is "***Perspectives of a Small Town Lawyer***" by J. Burton Hunter III and Nancy Lynne Hunter.

9. I utilize 40 years of practice to communicate effectively and to convince the client if she/he gives me accurate facts, I will dispense excellent advice.

10. As you can see, I am exceptionally handsome, which helps to keep my clients patient and undemanding, just like yours. And, actually, I am talking with my broker in the above photo.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/06/Burt-Phone.jpg>

2. <http://hunterlawfirm.net/>

3. <http://www.burtonhunteresq2.blogspot.com/>

More About Organizing Your Case. (2012-06-21 21:08)

Every case shares something in common. Each requires the gathering and organizing of information. The first source of that information is the client. My first attempt at writing on this subject, "Something Constructive, How to Organize the Facts in Your Case, may be found at [1] <http://tinyurl.com/79y69ge>

Why am I writing about this again? Because it is so hard for the client to grasp, and yet it is so simple.

We start with the three legged stool concept:

1. In a personal injury case, the three legs of the solid stool are:

a. Fault on the part of the other party. This may be through simple negligence, recklessness, or intentional acts.

b. A serious injury. The bullet that whizzes by your ear that you think "Could have killed me!" is of no consequence if you did not get injured or appreciate what it was.

c. A pool of money adequate to pay the claim. I once turned down a clear fault claim for the wrongful death of a child in Fla

. The drunk driver had no insurance, and neither parent had underinsurance. In WV that claim has two other potential options (although NOTHING can recompense for the loss of a child). A claim can be filed under WV's Crime Victim's Act, and the law permits an action against the bar or tavern if it can be proved it served the person to the point of intoxication.

2. The "three legged stool" in organizing our case, as I have transmuted it from the key concepts in the software application CaseMap, is:

a. A complete (with details, but very concise) "object list" of the people, documents, digital recordings, places, and events that make up the case. There is only one "object list", but it can be sorted by type of object. It can be very long, but individual components must be concise;

b. The lists of concerns, wants, or grievances of the client. There is not limit to the number of lists, but each must have a meaningful title such as "List of My Symptoms", "Reasons the Other Guys is at Fault", "What I want in my divorce", "Reasons My Spouse is Not a Good Parent". These lists go with us to mediation, and they are in my opening statement to the court or jury and my closing arguments. They must be concise because it is so difficult for a Court to understand and sort through the evidence as it is presented; and

c. The Timeline or Chronology, with dates (exact or approximate) along the left side of the page, and the events (which may include elements from a. and b. above, listed concisely, in no more than a line.

Sometimes it is my most intelligent and cooperative clients who complain, "But there is so much more!" They must accept that I have listened to their story and

will be reminded of those details by the core facts that must be conveyed. And they have to realize, as The Rolling Stones knew, **"You Don't Always Get What You Want, but if you try real hard, you get what you need"**.

The judges have only so much time, energy, and intellect. If they are spoonfed the essentials of your case, they will remember! It's the same for juries. Repetition, which is generally considered a bad thing, is good in court.

Mediations are informal "mini-trials". So these principles apply there too.

Since writing my first article, I have been pounding these concepts into my clients' heads. The client must "try real hard". They guy who "works away" and comes back two hours later expecting my paralegal to fill out his forms for him is killing his case and running up fees. Do not expect to take up two hours of her time,

unnecessarily, and not have it show up on your bill. I charge 50 % of my rate for non-secretarial paralegal time; not often, but I have to if you are wasting our resources.

So, as former client and Google Maps reviewer Rick, says, "If Mr. Hunter asks you to make a list, DO IT!"

1. <http://tinyurl.com/79y69ge>

Another Victory in the Tech Revolution - Dictation (2012-06-21 19:18)



Two or three years ago when David Duffield of the Duffield Law Firm (including tech whizzes Chad Lovejoy and Jason Stemple) taught his seminar on how his firm weathered a tragic fire without missing a client appointment or a hearing, **I learned from him that Dragon Naturally Speaking, of which I had been an unhappy "early adopter", had become a functional program.** He also recommended the Sony (digital) Recorder Model ICD-MX20. How's that for a catchy name. No iPad or iPhone 4s for Sony, numbers or letters only!

That little device explains to me why Sony is getting its clocked cleaned these days (but I still love my Cybershot DSC-H9! It takes great photos!). No matter how much I practice, I cannot get comfortable with the recorder. The screen is black on gray. It is tiny. It has many "folders". In only connects by USB cable. Its filing system is proprietary. I could go on. I like the feel, solid and metal, making me wonder if it would travel straight through the glass in my back door if I heaved it hard enough.

Likewise, although I have dictated hundred of memos, motions, orders and letters on Dragon, I remain perplexed that it cannot learn how to spell my paralegal's name, in spite of endless "training". Nor do I know why it disables my Windows Outlook from loading when it corrupts an "add in". I can avoid "J. Burton Hunter lii" if I say, "cap I, cap I, cap I". It doesn't even have a sense of humor the way Apple's Siri does. And, finally, every two months or so, it loses my carefully created profile and makes me train it all over!

So, what is this big development that will revolutionize dictation? Why my little ol' iPhone 4s of course!

I had already discovered a feature on the i Phone that allows me to dictate to a Dragon app and produce just one page of iPhone printed text. Out of stubbornness, I dictated an order using that app

but had to send e-mails in six pint-sized parcels. Why didn't Dragon allow much more than a tweet's worth of information per message? Perhaps because they still want to charge \$99- \$199 per license?

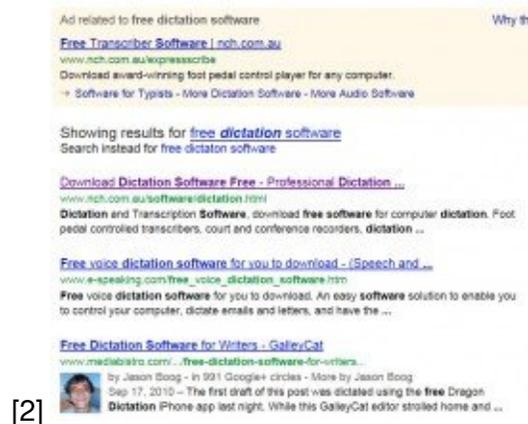
I also discovered that I can simply dictate using the little microphone icon on my iPhone and send an audio message to my staff, even from the road. Unfortunately, since I had not obtained for them a foot pedal for use on their computers, they were having to take handwritten notes, or record the digital message on our micro-cassette recorders. Sounds like pulling your Corvette with a mule.

I had visited Amazon and The WEB a couple years ago and just could not find a foot pedal, but here was one by Infinity with a 4.5 star rating. It appeared to come with software (it doesn't). I searched online and found a gaggle of "free dictation software" websites. With luck, we hope to have the software installed and footpad functioning soon.

Then, during another seminar presentation, the 2012 WVAJ Annual Meeting and Seminar, I learned from Paul J. Unger of HMU/Affinity Consulting of a new app called Dictamus for my iPhone 4s. It was \$9.95, but I sprung for it. Jason of the Duffield firm happened to be sitting in front of me. During a break he assured me that I can send the digital audio files to my staff via e-mail (Bye bye USB cables!). They can receive and open in Dragon where 90+ of the text will be already typed. By the time I get back to the office, the order or motion or discovery request can be ready for my signature. **That's the kind of thing that really turns on an early adopter!**

I will update this post when I get everything running. The trouble being an "early adopter", you tend to gather a lot of "stuff", Palm Pilots, handheld photo-copiers, some in the original boxes, looking just like new. But, these items tend to be dead-ends in the evolution of technology, and even the best will be obsolete soon.

At least my Sony ICD-MX20 should make an excellent paper weight!



1. <http://hunterlawfirm.net/wp-content/uploads/2012/06/InfinityFootPad.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2012/06/FreedictationSoftware.jpg>

Technology Review (2012-06-20 17:26)

Those for whom James Gleick's book **Information** is too long or daunting, or who cannot find a Latham's Quarterly on "Communication" at their news stand, may enjoy Technology Review, Published by M.I.T. to be just the ticket.

It helps put into perspective the massive changes that are changing, daily, the lives of people inhabiting planet earth in the 21st century. The June 2012 edition focuses on ten emerging technologies.

Co-parenting iPhone/iPad App (2012-06-12 12:06)

I got this tip from my Linked in Family Law Marketing group.



[1]

1. <http://hunterlawfirm.net/wp-content/uploads/2012/06/CoparentingApp.06.12.2012.jpg>

Post Litigation Mediation, Without a Lawyer? (2012-06-11 22:45)

A recent phone call from potential client changed my answer to the question above.

She stated:

1. Her child's father blew off mediation during their divorce;

2. **He has not been following the court ordered parenting plan;**
3. **He treats her rudely and profanely** and causes constant tension;
4. **Their parenting plan was cobbled together**, "one size fits all", during a 30 minute final hearing.
5. **Neither party had a lawyer.** The court did the order.

I decided to tailor a deal just for her.

1. **I offered to interview her** and guide her in gathering the facts to establish her case either at a mediation or trial.
2. **If she just wanted an hour to outline the rules**, prepare the notice of the mediation, and get some tips on which mediator to use and how to prepare, I would charge just \$200.
3. **But I suggested an initial \$550 retainer, and \$500 within thirty days** (that's about how long it takes to schedule the mediation).
4. **For that sum, I would do up to \$1550 at my normal rate of \$200/hour and reduce my fee by 25 %**, to \$150/hour for anything above the \$1550.
5. **For this we would start to train her abusive ex-husband**, hammer out a new parenting plan if possible, and set him up to deal with an angry court if he blew off mediation again.
6. **I would also seek court approval of the mediated agreement** or file a contempt petition. It was a great deal, so she made an appointment.

7. **An hour later she called back to say, "I have decided to proceed with mediation on my own."** I will never know if she couldn't get the money or was talked out of it. But, she was in her mess because she tried to do it herself! Why she called me, to get advice that she promptly ignored, I do not know.

I admit that most mediators now have the experience to do a decent job; the better ones will type up a decent agreement and mail it to the court. But the mediator cannot represent either party, and what happens

when the other side begins to fly off course again?

I thought back to the times I told my former clients that they could go to mediation without me, after the entry of their final order.

Now I believe, at the very minimum, that they should return for at least that one hour consultation. Most of the time, the lawyer can double or triple the chance of success. And, the other side knows that with a good lawyer, the client can litigate if necessary.

Remember, acting as if you are almost eager for a trial reduces the chance that you will need one.

So, my advice now is CALL YOUR LAWYER, OR CALL A LAWYER. I suggest one who has an informative, helpful, blog and plenty of experience!

A Foot in Each Camp (2012-06-09 17:48)

[1]



Thoughts following my attendance at the WV Association for Justice 54th Annual Convention and Seminar: I love being a plaintiffs' trial lawyer. By definition, we represent individuals. They are often facing one of the more trying times in their lives and are up against someone or something more powerful and wealthy than they. It is a terrific feeling to level the playing field and help someone achieve a just result (or just "to win!").

Small firm and sole practitioners sometimes lose their focus and feel they are the only ones fighting the good fight. Many, of course, are not passionate about what they do. The work is just a job. They long for eight hours a day, a steady paycheck and benefits, and a job without stress.

I love the thought of less stress, but have dealt with it for 40 years and see no way to eliminate it. I have learned to lessen it. The tips and techniques I discover and pass on allow for greater productivity and more enjoyment in the task. Solving a task and moving on to another is the story of my life.

My attendance each year at the WVAJ annual meeting recharges my batteries and reminds me that many WV lawyer seek excellence.

Simply sitting for two days and listening to some of the best in the business talk about what they have learned and how they apply it reminds me that I am not the only "smart guy" out there. WV has hundreds of very sharp, very dedicated lawyers, men and women. The best come at it with fire and passion, and it is contagious.

I have been writing a lot about efficiency, collegiality, mediation, and negotiations. I have also written about disingenuous lawyers and maddeningly inefficient judges. (Recently I sat for 2 1/4 hours as one of at least four cases the Court set for 9:00 a.m. How arrogant to cause 8-10 litigants to pay their lawyers up to \$1000 extra dollars for 'the convenience of the Court'!)

Two very fine lawyers, Jamie Bordas (son of my friends Jim and Linda Bordas) of Wheeling and Gary C. Johnson of Pikeville, Ky. spoke on settlement negotiations and trial preparation and voiced opinions that appear to be contrary to my writings. After some pondering, I do not think they are.

Jamie challenged the old truism that the best mediated agreement is probably one where both sides are somewhat unhappy with it. He believes the best one is where we leave the room, clench our fist, and say "YES!"

Those of you who have read how frustrated I get at lawyers who obfuscate, prevaricate, and simply use dirty tactics will wonder how I reacted to Gary when he says, "Let them. I do not care. It runs off of me like water off a duck's back. It just makes me feel better when I beat them." Now there's a fellow I want to emulate.

Jamie told two excellent anecdotes:

1. His class team assignment, while a student at Notre Dame, was with classmate Jerome Bettis. Yes, that Jerome. The one all Steeler's fans love. They negotiated to a standstill for four hours, being the only members of the class who failed to reach agreement, only to learn that they were the only ones who passed the challenge. The dispute was one that could not be negotiated with fairness to both parties. Those who gave in let their client be short-changed. What a great teaching too. I have learned some of my best lessons from my mistakes.

2. Jamie's college avocation was selling and trading tickets to Notre Dame football games. He was shrewd enough to select one type of buyer. The guy in the nice car with a pretty girl at his side. According to Jamie, "Those guys were NOT going to fail to get that girl into that game." So, of course, they paid the highest prices because Jamie knew they "wanted it too bad." I pondered the double meaning of "it".

Jamie and Gary, of course, have warrior mentalities. But, I stress that while each counseled us to negotiate tough and prepare well, neither suggested we resort to unethical or questionable behavior. But, trust me, if they were hockey players, it would not be a polite form of hockey.

Both reminded the audience that our adversaries do not care about the harm their client has done to ours. They do not want to make us feel better. They want to win, to save money for their clients, to feed their families, and to do well in their profession. I have heard such words from my wife Nancy, who understands human nature and reminds me to keep my guard up.

Please understand something. I agree with them. I detest losing. I want my clients to get a great result. I want people to admire me as a lawyer and person. I have more of that abrasiveness that my friend Mike Aloi taught, in another session, that we should try to avoid. My tendency over the decades has been to push hard for my client's position, sometimes too hard. This tendency is one reason I have spent time thinking about collegiality and professionalism.

And you also need to know that Gary and Jamie have outstanding reputations, as do their firms, and they get the really good cases. Recently, I was on the other end of that scale. I had agreed to accept a minor role as "local counsel" with an "out-of-town counsel". Then this "lead counsel" dropped the ball and got himself fired, and I was verging on trying a case I could not win.

I was holding perhaps a pair of twos. I followed all of their tips, made sure I had good experts, and prepared as if we were going to trial. Eight hours of mediation got us a meager settlement, but it was a meager settlement in a case that never should have been filed. It was a great lesson; do not sign on as "local counsel" unless you are not ready to take on the full responsibility of the case.

1. So "camp number one" in my title is Jamie's and Gary's world, of personal injury, malpractice, industrial injury, and insurance bad faith. The adversaries are wealthy and powerful, and the liability component is usually strong for plaintiff. AND, the issue is money, how much if any money?

2. But, look at the difference in "camp number two", family law mediation. The parties often were married. They certainly were intimate. They believed they loved one another. Usually they have produced a child or children together, and they built whatever estate they have together. The personal injury victim and the tortfeasor can walk away after the money changes hands and never see one another. Often these people cannot.

Divorcing parties or parties with children still have to raise those children. There are schooling decisions, discipline, medical treatment, graduations, failures, weddings, births, funerals. They have to learn NOT to ruin their children's lives by screwing up the divorce as badly as they did the marriage.

When we seek money for our PI clients, the more money the better! Everything we squeeze out of the other party in a family law case, diminishes the ability of that party to pay his bills, provide for his family, and live a secure existence.

I have seen people pull back from what I recommended or the court would give because they felt it was too great a burden on the other side. I like such people, although they can be frustrating.

And, if you "don't care" what dirty trick the other counsel does, are you really being true to your profession?

Should we not call out the other party on such silliness;

1. As the lawyer who claims not to know what a "significant other" is in a discovery response;

2. Or the one who is trying desperately to keep out an e-mail because he knows it is a smoking gun proving his client's infidelity (and she wants to be able to lie to the court about it);

3. Or the one who answers under oath that she has not identified any witnesses or potential exhibits two weeks before she discloses 24 witnesses and 100 exhibits?

I think we should, and I think judges should, penalize dirty players, which they will not do most of the time. To them it is just "petty squabbling by the lawyers". Sadly, they do not seem to expect high standards,

and often they get what they expect.

I was raised to believe in right and wrong and believe in playing by the rules . In the heat of battle, have I done otherwise? I take the "fifth amendment".

Finally, the family law client usually has nothing like the resources available to them a the client with a contingency fee contract, where their lawyers may advance \$20,000- \$50,000 in funds and more than that in time. Those firms are prepared to spend six, even seven, figures in litigation expenses, with a prospect of a BIG contingent fee. There is risk of loss of course, but these guys and their firms often "win big".

I have put \$10,000 of time into a case knowing I would never get paid. Once it was \$30,000 (don't like to think about it) Those are the cases where the other side has pissed me off, or the client is very worthy, or my reputation is on the line. But, most of the time, costs MUST be considered in a family law case.

Still, it is nice to have a foot in each camp, and to remember that our clients need us to be warriors. It is also good to remember that our clients need us to understand people, and human nature, and to be able to take the long view. Will getting you the motorcycle really change your life over time?

I have been at mediations where we said at the end, "Yes!". I have been at others where we just said "Whew!"; and even ones where we said something unprintable but took the deal anyway.

A good general trial lawyer maintains a proper balance between being a warrior and a pragmatist, as Jamie recommended when he reminded us not to let our egos get in the way of a fair settlement.

I will try to follow Gary's advice and allow the bad behavior roll off my back and to have the payback be my results. That was very good advice.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/05/MeetingYourLawyer.jpg>

Buy a \$1,000,000 Umbrella! (2012-06-03 23:17)



[1]

\$1,000,000!

Ok; my having to squeeze in 3 blog articles on a Sunday evening, with the last 100 laps of the Nascar race playing on the t.v in the background, **is not exactly J.K. Rowling** scratching out her masterpieces on the fire escape after her children finally went to sleep.

My first post is the one prompted today by question from a Facebook friend who has actually read some of my blog. I encourage anyone who reads either blog to write with questions. He asks:

Hey Burt, I believe that I have seen you write on Personal Liability Umbrella policies. Is this something that both (my wife) and I would have individually? Are there any things that I need to look for in the policies? No hurry and thanks in advance for your wisdom.

Best to you and Nancy.

This is a terrific question.

Let's say you are 50 years old with a business, 20 employees, \$100,000.00 in savings, \$2,000,000 in retirement benefits, a \$400,000 house paid for, and a net worth of \$3,000,000.

In that case, a personal umbrella is not an option. You risk everything if you don't. I once represented a couple in similar circumstances, and salvaging a denied underinsured (U.I.M) umbrella claim saved their business and their children's inheritance.

But, what if you are younger, have a net worth under \$300,000, a professional or business career, \$5000 in savings, a house with \$20,000 in equity, \$50,000 in an I.R.A., 2-3 cars, and a house full of "stuff".

In other words, what if you are like "most people"? I say a personal umbrella is also essential.

I have several articles on this subject. Just go to my blog and search for "underinsured", "coverages", "ininsured" or "umbrella" for more details.

But, if you are just reading this, remember, there are two categories of "personal liability" claims;

1. Claims against you for mistakes your make (run a stoplight, rear end someone); and,

2. Claims you have against others for mistakes they make that injure you.

If you cause negligently cause someone to become a quadriplegic, they have a \$2,000,000 to \$50,000,000 claim. Your option? Bankruptcy, and the loss of most of what you have.

If someone puts you in the hospital for two months, to be off work for a year, and \$500,000 in medical bills, with a permanent impairment that requires you to go back to college for two years for a new skill and pay for replacement prosthetics for life, what do you do if they have \$20,000 in per person liability coverage? In short, you are screwed. They pay the \$20,000 and probably do not even need to file for bankruptcy. They have nothing worth suing them for.

So, here are the fundamentals of your personal umbrella:

1. Never, never, never let your insurance representative forget to have underinsured and uninsured coverage at the same limits of your liability coverage. My clients' insurer tried to deny them "umbrella" coverage because their agent forgot to write it! Thanks to a good lawyer who found a brilliant insurance expert to back him up, the coverage was reinstated, and a big part of it paid!

2. When you get an umbrella policy, coverage of at least \$1,000,000, it adds that limit to:

a. Your auto personal injury and property liability coverage;

b. Your homeowners;

c. Your auto's underinsured and uninsured coverages.

3. When you pay for your umbrella, your carrier makes you upgrade the coverage you already have, so now your liability coverage is higher, and your underinsured and uninsured coverages are probably at least \$200,000 per person and \$600,000 per incident. This is how they can write the umbrella for so little; (Ask your agent, but I think that mine costs less than \$100 per year!)

4. But, you say, "What about that \$20,000,000 claim by the paraplegic?"

a. First, those claims are very rare. Do NOT text while driving!

b. When a plaintiff can settle for \$1.5 million, faced with the threat that you will file bankruptcy, they almost always will take it and count their blessings. A good lawyer can distribute and preserve that settlement in a way to maximize the benefit of the injured person.

c. So, get a personal umbrella, and if you are the guy with a net worth ever \$3,000,000, buy a bigger umbrella!

1. <http://hunterlawfirm.net/wp-content/uploads/2012/06/Umbrella.jpg>

11.8 May

Doing the Right Thing (2012-05-26 16:51)



[1]

This tip is so obvious and so often violated by my colleagues, especially the unimaginative ones:

When you have the opportunity to influence your client "to do the right thing", and she firmly wants to act out in anger, retribution, or pettiness, insist that she, or he, do the right thing.

Of course, I have an advantage, at least over the client, and over most other lawyers in that:

1. I am quite assertive;
2. The client has hired me because she has already heard I am the best;
3. The arguments for doing the right thing are so powerful that they cannot be successfully countered most of the time; and,
4. When doing the right thing is patently the correct course of action, I simply insist on it.

One quick example:

You know your client has come up with excuses, some legitimate, but mostly bogus, screwing her child's "out of state father" out of a dozen week-ends and weeks in the last year. He agrees to "trade a week-end" so that the child does not miss middle school graduation activities. She repays that consideration by announcing that since she only gave up a "two day week-end", that he has to travel back to WV with child on Sunday of Memorial Day Week-end!

I would say, "You what!?"; patiently explain that she will look like a vindictive idiot to the Court, and insist she "do the right thing".

Other lawyers might parrot his client's drivel because of misplaced loyalty; that is, loyalty to what the client thinks she wants compared to what she should want and should do.

Generous gestures usually bear constructive responses, but even where they do not, you and your client will feel better about yourselves, and you will have done the right thing, and a child will get one more full day with

father and day of rest on a busy week-end. Who can argue against integrity?

1. <http://hunterlawfirm.net/wp-content/uploads/2012/05/Do-The-Right-Thing.jpg>

Why Did You Turn Down My Case? (2012-05-23 11:45)

[1]



My answer to the question above it this:

You say "another lawyer" referred you to me because I will be tougher than your former lawyer and protect you from your abusive and controlling ex. I asked you to file out three short forms; the contact information form, the "How did you locate me?" form, and the "How do you want me to keep you informed?" form.

It is a simple task, but my staff is trained to ascertain whether you have some limitation in reading or writing and in that case assist you in filling out the form yourself.

But in this instance, you arrived "with a chip on your shoulder". By questioning why I should have your contact information "before I have decided to hire you?", you signalled to me:

1. You will be the kind of client who will tell me how to do my job.

2. At the very least, you do not trust lawyers.

3. If my forms have offended you, perhaps you already do not trust me.

4. If you think I am going to misuse your contact information, you are assuming I may be unethical.

5. You do not follow instructions well.

6. And when I chatted a bit to reassure you, you "pissed me off".

Thus, I politely sent you packing, huffing in a not quiet voice that you had "just wasted an hour". At least you did not slam the door when you left.

My advice to you potential client who never became a client:

1. Next time, just fill out the damn forms!

2. If you have a personal referral to a lawyer with a reputation for honesty, integrity, and competence, (and aggressiveness) do not act like you are at "Joe's Used Cars". Treat him, his staff, and procedures respectfully.

3. Answer the questions he/she propounds.

4. Ask lots of polite questions.

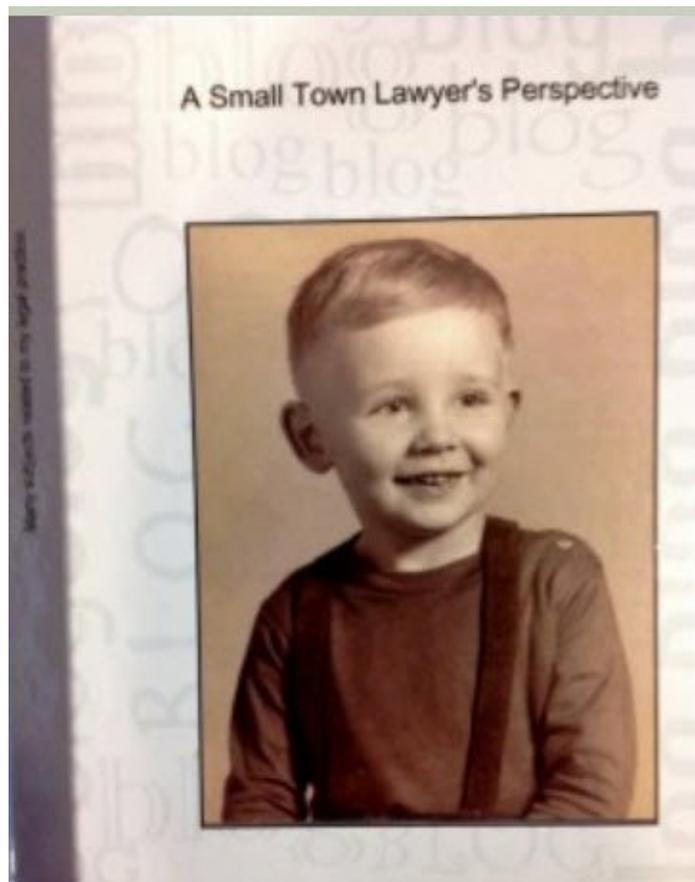
5. Do what the lawyer says!

Instead of me, you will now find someone you can bend to your will, and you will not be happy with the results. Sorry.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/05/MeetingYourLawyer.jpg>

Obama, Romney, Gay Marriage, and Bullies (2012-05-17 22:02)

[1]



This is the little boy that learned the lesson not to be a bully

It has been a very hectic two weeks, as I prepared for our vacation and reunion with family and friends. As a result, I haven't posted in a while. I have posted today in WV Lawyer - Tips and Techniques, [2]www.burtonhunteresq2.blogspot.com , another article on my surprising score, over 50, with Klout.com. If I can do it, so can you. It is also a good reminder that visibility on the Internet requires regular communication. In the two weeks since my score peaked at 52+, it has already dropped by two.

The news events I wished to comment on were President Obama's announcement that he supports Gay Marriage and hopes that it eventually will be recognized by all the states, and the revelation by Mitt Romney's high school classmates that they, with Mitt wielding the scissors, cut off the hair of a classmate who chose to bleach his hair and grow it long. They held him down while Mitt gleefully snipped. The news media could not get to the fact that Mitt and his friends no doubt called this guy "queer" and a "fag". Instead they accepted the version that "It was not clear if the boy was a homosexual." A commentator said, "Gays were not as well-known back then."

Huh? Truth is we were taught that "queers" should be beat up and harassed, and the only ones we knew were the ones with overt signs. It never occurred to us that a "queer" deserved any better. Remember, that's what we were taught. The lesson below served me in good stead, and I have never intentionally picked on someone I thought was gay.

Being a "militant moderate", I was struggling with the likelihood that I might have to vote for a Democrat for President. I haven't done that since Lyndon Johnson. He was an exception because it is hard for me not to support a War President, and the anti-Vietnam crowd really got under my skin.

Mitt's story, and his reaction to it, and to Obama's announcement, sealed the deal for me. I see both as character issues, and Mitt loses on both grounds.

Here is how I see it:

1.

Obama doesn't get too many points for this. His "courage" grew out of the fact the country has tipped to more than 50 % in favor of the right of gays to marry and was accelerated by the announcement of his talkative vice president that he "had no problem" with gay men, lesbian women, and heterosexual couples to marry. (Glad he through in that third category.)

2.

I think it is a good thing for America to have moved so far towards tolerance on this sensitive issue that Obama's "evolution".A rough analogy might be Lincoln's "evolution" on the issue of slavery.

3.

To me, Mitt loses big time here, not because he committed a bullying act, but because he lied and said he did not remember it. I guarantee that he does remember. More on that below.

4.

The fact that his classmates remember and feel remorse, that he appears to feel no remorse, that he apologizes only "if I have ever hurt anyone", and that he would have children be adopted by a gay couple, but then not have married parents, offends me a great deal.

5.

His position on adoption by gay parents is correct. His failure to take the next logical step is not. And, if he were running for governor of Ma., his "evolution" by now would have him taking the same position as Obama. This man is not evil, but he lacks a moral center. We all knew guys like Mitt growing up. I doubt if any of us liked him. Privileged, good looking, and feeling himself to be "entitled". (Editor: In fairness to Governor Romney, he was about as "moderate" as he could be and still have any chance of being elected. jbh)

6.

How do I know he remembered the bullying? I too was once a bully, and the victim of a bully. I have not talked about this much because there are some dark overtones.

7.

It was 60 years ago, when I was six and in the first grade. I have narrowed it down to 1952, because my Grandfather is part of my memory, and he died when I was seven. And, I clearly remember that I was at Edgington Lane elementary school, not Park View where I went to kindergarten and the second semester of third grade.

8.

I remember the name of the kid I bullied. He even sounds like a wimp. But I will not embarrass him by naming him. And I remember the name of the bully (actually I remember the names of two bullies), but I am not writing this to get even. I have found my victim's name on the Internet, and would like to apologize since I am sure he remembers me. But I sense he remains a very private fellow as an adult. I hope, if he knew how I have lived my life, that he would forgive me and believe I had learned a lesson.

9.

My first bully was a neighbor two years older than I; a farm boy, much stronger. He didn't pick on me or anything like that, but we built a tree house together. My memory has it about 12 feet off the ground, but to a 3 footer, that seemed pretty high.

10.

My friend seemed to be distracted, because when he relieved himself over the side of the platform, he forgot to return his equipment to its proper place. Instead, he had some suggestions of some things I should do with it.

11.

I did not know much about anything at that time, but I had, at least a year earlier, figured out that Santa Claus was fictional, and I knew his suggestion was not a good idea.

12.

Where I got the guts, I do not know, but I announced I was jumping and began to move to the side of the platform. I was scared, but I liked the look of fear in his eyes. Much negotiating went on, and I guess my talent for negotiating manifested itself early on, because I managed to get out of that tree unmolested.

13.

Note sure if this guy became any better in his molesting/bullying behavior later on, but he never bothered me again. After we climbed down, he carefully explained that if I told my parents of our little incident, he would climb through their bedroom door and steal my Dad's watch!

14.

Again, doing the math that had led me to figure out there were too many chimneys in Wheeling for Santa, let alone the world, **I figured my Dad could do without a watch if necessary in order to learn of this event.** Not only did he laugh it away, he disregarded my little tale as if it never happened. This was, after all, the early 1950's, and such things did not happen back then.

15.

This being my first year of elementary school, I, of course, had classmates. One of them was very wimpy. When you bumped into him, he flinched. Seeing how intimidating my bully had felt to me, I found I could nudge him, and eventually pinch him, with impunity.

16.

One day, I followed him a ways after school, and he really did not seem to like that. I have no recollection of how many times that went on, but I remember the one that caused my retirement from bullying. He got to South Park Street, and bolted across without looking. I heard a loud "screeetch", noticed there had not been an impact, and scurried back toward school like the rat I was. I figured I had got away with it. I remember thinking that my bully got away with it, and I had too.....almost.

17.

Turns out, the boy's Mother had called my Grandfather, Michael Earl O'Grady. We had a "little talk". No physical harm was inflicted, but the embarrassment was excruciating. The deal we made was my parents would not learn of this event IF I promised it was over. It was.

18.

I spent a long time thinking about this, and have many times since. I began looking around my class, and if anyone was being picked on, or seemed nerdy, or a loser, I tried to look out for him. We got together a little group of guys who agreed, and we sort of "bullied the bullies".

19.

Since then, whenever I have a chance to look out for or protect, someone in a power imbalance, I try to do so.

20.

Back to the gay marriage thing. I agree with Shepherd Smith that the Republicans are on the "losing side of history" on this one. My "can't helps" tell me that it is much more important to have values of honesty, integrity, courage, loyalty, and modesty, than to prohibit a class of our citizens from having the rights of the rest of us.

21.

That's why Mitt definitely does not have my vote.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/11/Burt2ndGrade.jpg>

2. <http://www.burtonhunteresq2.blogspot.com/>

How I Got My Score Over 50 on Klout.com; Bird by Bird (2012-05-17 19:04)



Being a social media showoff sure has its frustrations. I shared some ideas with our friend Jim Kraft, who is semi-retired in Florida. He and his wife Margie, my wife's best friend, are still busy selling real estate several days a week at Siesta Key/Sarasota Springs. I strongly recommend them.

They are highly intelligent and rather tech savvy, but Jim talked about his blog efforts. He retained a paid service, identified 20 subjects for blog posts, wrote them in advance, and posted them in a careful sequence. A few months later, he hadn't got any responses, had not posted any new ones, and decided to give it up. I admire his effort and empathize with the apparent lack of results.

I confess that had I put the money and effort I have invested over the last 5 years in "social media" and Internet advertising into print ads, Yellow Pages, and newspaper, and perhaps billboards, I would have received more direct benefit. And, even though I have posted 130+ blog articles, self-published an Amazon Kindle Book, and stoked my ego, I have not yet found a way to make it "pay off". I have sold only a few, and as of now Amazon has not sent me any money! So why bother?

1.

I have learned a vast amount, read over 20 books, had lots of fun, and, I believe, poised myself for the next stage where nearly everyone, even in Buckhannon, which is several years behind other locales, has access to a powerful computer/search engine.

2.

Add to desktops, laptops, iPads, other tablets, iPhones, and other "smart phones", and you are approaching a **75 % saturation.**

3.

1184

I just asked Siri to search the web for a good lawyer in Buckhannon, WV, and she disappointed me badly. Clearly, the paid services are dominating here, but that is the way people are going to be finding all service providers, so I had better figure it out.

4.

On the plus side, when I asked her to find lawyer Burton Hunter in Buckhannon, WV, she found dozens of entries. Anyone wanting to find out about me, how I think, my qualifications, and whether I would be in their “comfort zone” will have more than enough information.

Recently I read an article in Wired Magazine about how to learn my score for impact on the Web by signing up for Klout.com. I dutifully signed up, and there was my score, 13.43!

This was very discouraging. My friend Dick Billick, internet consultant was 24. My son John, who is very tech savvy, and a professional sales rep was 36, and the author of the article was a 46.

The author explained some of the techniques for getting seen on the Web, and I was doing many of them. I went back, updated some of my web connections, wrote some blog posts, and hoped for the best. When I checked my “Klout.com” rating this week, I discovered that my score had zoomed to over 52 and leveled out to 50.43! Talk about an ego boost. I had just learned my Klout score when I spoke with the Krafts, so I was bubbling over with enthusiasm.

Here is what I told them. I like to read books on writing. And, of course, I love to write. My guess is I have written well over 10,000 substantive letters in my profession, and a similar number of motions, pleadings, briefs, and memos of law. Some projects, such as becoming visible on the Net, seem too daunting. A little book titled “Bird by Bird” by Ann Lamott recalls a situation when her younger brother was literally stuck at the kitchen table, crying, because he was to the last evening of a school writing project, on birds, which he had put off for weeks because the task seemed too great. His father, a professional writer, calmed him down and told him to write “bird by bird”, which is how he finally got it written. **So, that’s what I suggested to Jim and Margie. “Bird by Bird”. Here are some bite-sized tasks:**

1.

If you are chatty, with lots of experiences, tips, and advice, you are half way there. I believe the “non-showoffs” will have much more difficulty.

2.

Claim your business address on:

a.

Google Maps;

b.

MapQuest;

c.

Bing;

d.

and Yahoo Maps.

3.

Since tasks like #2 above take time, resign yourself to doing them instead of your cross word puzzle or other activities you do with the t.v. in the background. It really needs to be a fun activity for you. If it isn't, I guess you need to hire a professional, but be prepared to pay, and the professional still wants your personalized input.

4.

Be sure you have a library of photos, of yourself, your office (outside and inside), and videos. Fill out every empty blank when claiming your sites. Upload the photos and videos. Now when someone is looking for a lawyer, realtor, restaurant, or other business in your town, the Google Map page with pop up, and your will probably be the number one site.

5.

Since you would not be reading this if you are not on Facebook, create a professional Facebook Page, set it to public, and link all your other activities to it. That way, your posts to that site will go to your Linked In Friends and Twitter Followers.

6.

That's right; even get yourself a free Twitter account, but when you post, do not be trivial. You may talk about your new blog article, or, if you are a good photographer, post some of your more interesting shots.

7.

Carefully fill out your application for the professional site Linked In. It is as professional and "buttoned down" as a site can be; lots of CEO's, vp's, accountants, lawyers, bankers, and educators.

a.

"Recommend" some of them who you honestly know is in the top of their field. Some will reciprocate.

b.

Join several professional groups in Linked In. I am in the ABA small firms group and several divorce, small firm, and social media marketing groups.

c.

Post things to Linked In. I answered a question for a young lawyer in the mid-west on how to get started, as he had just "hung out his shingle". I sent him a link to the PDF version of my book at no charge. I posted my views on whether you should become FB and Linked In friends with competitors. My suggestion; absolutely.

d.

I also explained how important professional groups in your State are, how I found many of my best experts from my list of **seminar speakers**, and how attending **continuing education seminars** keeps you current in a fluid information age. I got a large number of comments, and "thank you" from my colleagues.

e.

Get a good list of sites, and carefully fill in your applications for their free sites:

i.

YouTube

1.

I have nearly 100 videos posted to YouTube. Am now struggling how to segregate my fun, personal, vids, with the informational ones I have recorded for clients and colleagues.

ii.

Amazon.com

1.

Even if you cannot find time to write and upload a Kindle Book, write some reviews and comment on others.

iii.

Yelp;

iv.

Foursquare;

v.

Google+;

vi.

Pinterest;

vii.

Manta; and

viii. Tumbler.

8.

Over two years ago, I started a blog, “Perspectives of a Small Town Lawyer”. I struggled at first, but have re-written most of the posts several times, added photos, and tried to have a mix of informative posts, “how to” posts, suggestions to clients and colleagues, and opinion pieces. An ideal reader might be a younger colleague practicing in a small town environment, but I also tried to write it so at least 50 % would be of interest to anyone who likes to read.

9.

I reformatted it to PDF, so I can send an iPad, iPhone, or laptop user a copy of the book for free.

10.

Just in case it “goes viral”, it is available through Amazon Kindle for \$2.99. Profits go to my favorite charity, me! Don’t worry, no “profits” yet.

11.

I started a new Blog, “WV Lawyer – Tips and Techniques” and will begin to separate my writing into blogs for colleagues and judges, and for clients and potential clients.

12.

I have been posting lavishly to my personal FB page, and gradually increasing my list of friends to over 500. As a “militant moderate”, I take on the views of the left and the right.

13.

I have touched on my philosophy and religious beliefs. “Burt’s Views on Religion and Religiosity” became a chapter in my book. Some of my fundamentalist friends are “praying for your immortal soul”. But I cannot resist being a voice for science and reason. I think to do otherwise reveals that I have failed to adapt to the modern age. I agree with Justice Holmes. We cannot prove our values or beliefs are better than anyone else’s, but as our “can’t helps”, we must adhere to what we believe is right.

14.

This is an important one; once you have taken it “bird by bird”, and have all these sites and active accounts, then do everything you can to link them!

a.

Your FB professional posts should go to Twitter and Linked In.

b.

Your neatest photos should be shared with FB and Twitter. Use Camera + or Instagram.

c.

Post your videos to YouTube; then “share” with FB and Linked In.

d.

You can take a “long url” and paste to “tinyurl.com” and ad that url to your tweets.

e.

People will forgive you, even if you post a bit too often, IF

i.

You are funny;

ii.

Your photos and videos are well done. If you are not a good photographer, of course you make yourself look bad by posting bad photos. Either go to a two day seminar or find something else as an outlet. I can take good photos because I have been doing it since my 4-H project 50+ years ago.

iii.

You are sincerely trying to provide valuable free stuff, promote honest discussion, and trying to connect friends and family in a meaningful way.

15.

Keep an Evernote outline, or even a legal pad, with things you want to do in your Social Media Marketing presence. And remember, you can “sell yourself” without seeking a profit in your charities, personal interests, church activities, children’s myriad activities, etc.

But, in the end, you will have to succeed “Bird by Bird”.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/05/GullGreat.jpg>

11.9 April

How To Testify at Trial (2012-04-28 22:32)



[1]

This is not my client; just a generic/Google Images photo.

Here is some advice I gave a client in a hotly contested family law case, for her preparation to testify at trial. The advice is transferrable to almost any kind of case: with respect to her confidentiality, I have stripped this of almost all particularity to her situation, but I have here permission nevertheless and her suggestion you that if you become my client, the sooner you adapt to the way I organize things the better. If you cannot adapt to my methods, you have the wrong lawyer. Variable information, names, etc, and my comments on the advice I gave, are in ()'s.

1.

(Memo to client)

I figured I would do some summing up in this e-mail.

a.

(Client name)

must prepare, prepare, prepare. (Reading pleadings, her lists of concerns, my outline of questions for her, counter-points to her husband's accusations, etc. See my explanation in red below.)

b.

That **does not** mean reviewing two banker boxes of documents (accumulated during case preparation). That is not possible.

c.

I was surprised, with all our talk about being concise and focused, (you/client) sent nearly 1/2 inch thick pile of documents about a minor issue three days before the trial. Is that really the best use of my time, to charge

(client) \$200 to read that stuff? I think not. (At this stage, client and lawyer should have paired down the two bankers boxes to an outline of 20-30 pages.)

d.

On the other hand, if (you/client) want to send me a "list of top 5 or top 10 of key points from the stack of documents ", I can read one page and incorporate into my outline. (This is the hardest thing for clients to accept, that we must become concise and targeted in our presentation. Very few cases are the "O.J. Trial".)

e.

If there is a certificate of excellence or other short document to prove her point, we can use that but NOT ½ inch thick.

f.

I am sending to myself all e-mails (you/client) have sent me the last two weeks. I have copied and pasted some of them into my outline. Will finish that. (These e-mails were the client's final lists of concerns, proposed questions to the other side's witnesses, etc. These must be incorporated into the lawyer's litigation outline.)

g.

Back to the judge's saying (some off the wall thing we had not anticipated).

i.

Make a list of every bad thing that your husband has accused you of. I know, you have! Then just review and if necessary, revise the existing list.

ii.

We will use your (our key witness) as a rebuttal witness, probably our only rebuttal witness, so dress him up as you did last time, and make sure he is there. (Parties and our witnesses must dress for the best effect on the judge.)

iii.

Listen carefully to (our opponent's) questions; (Sounds obvious, right? Just wait until you are "under the gun" in a grinding cross examination. They key is listen, answer directly, and stop before blabbing on and giving the other side more ammunition.)

iv.

No agonizingly long pauses, and no flip, angry, or argumentative responses. (Smart people are the worst; they may even relish fencing with pro, but that is perilous.)

v.

And, very important; you are in a legal knife fight; so, no overly friendly nervous laughter. Remember, this lawyer is out to take your child away, so do not allow your response to appear frivolous or angry. Serious, and to the point, unless a bit of humor, or some tears, leak out. (See vi. below.)

vi.

No intentional tears, but tears in spite of efforts to hold them back, will not hurt you. Accidental humor ok. (Lawyer Hunter must temper his sometimes misplaced sense of humor.)

vii.

Answer the question asked, NOT the one you wish she had asked. The judge will sustain an objection, "Not responsive Your Honor!" No one is more imperious than (This particular lawyer.) or indignant. She can make an innocent mistake into a capital offense.

viii.

After giving your "yes", "no", "I don't know", or "maybe", you may explain.

ix.

Do not hesitate to look up at the Court, sincerely, look into his eyes, and ask, "May I explain Your Honor?". He will let you. (But do not ask your questioner a question. You may say that you do not understand the question. A request to the lawyer to explain or repeat the question, if not overdone, is OK.)

x.

Know when to stop. A good lawyer will let you ramble on until you volunteer something you should not have or somehow hang yourself.

xi.

Simply stop when you are finished answering.

xii.

What you should read are, the pleadings, petition, answer, amended petition, and each and every one of your lists of concerns.

h.

Remember, I will question you first. That should be the first thing that happens tomorrow. **I cannot lead you**, so you have to listen and remember what our game plan is.

i.

If you do not understand the question, say so, but it looks bad if you say that very often. My questions are designed, simply, to let you tell your story, firmly, concisely, quietly, with dignity.

j.

We want to let the judge know how (your husband) (list of bad things the husband did).

k.

We cannot explain away an (not so good thing she did). If your marriage was no longer viable, you should have (done something other than what (client/you) did).

I.

You should have your list of reasons why your son should be under your primary care and supervision (why client should have custody.)

You must be ready to debunk the myths and false representations and accusations being made against you, WITH FACTS!

1. <http://hunterlawfirm.net/wp-content/uploads/2012/04/SwearToTellTheTruth.jpg>

Getting Feedback (2012-04-21 23:27)

Thank you to everyone who views this blog. I just learned that I have had 17,000+ page views. Not exactly Grisham, but I appreciate every view.

I promise not to do this very often, but I posted the article below on my new blog "WV Lawyer - Tips and Techniques" I write this one for other lawyers and judges, but if you want to confirm how smart and witty I am (he says humbly), you may read it too. I am pleased that I am rather smart (humble too) because every day has a moment, or ten, where I feel pretty dumb.

The feedback I got this week made me feel really good. Here it is:

Yes; some day I am going to get some feedback that singes the hair off my head, but today I am feeling "all warm and fuzzy". It was a "challenging week" that ended on a very good note, saving me LOTS of risk, anguish, and "up front money". It was also stressful, but during that week, these three e-mails arrived and lifted my spirit.

Someone must have renewed the discussion started by a young lawyer in one of my discussion groups, probably the ABA Small Firm group on Linked In. I deeply appreciated their taking the time to read my writings and send me words of encouragement. Each could become a penpal, and will if they choose to. I always answer, even if you got stuck in my spam filter for awhile.

Writing is pure pleasure to me because I write about what I know and do NOT pause for research, citations, or anything that does not interest me. I save that for my "day job". j.b.h.

Simon M. (from Australia) has sent you a message.

Date: 4/19/2012

Subject: RE: E-mail me at [1] hunterjb@hunterlawfirm.net , and I will send you a link to the PDF of my new book or download it for your Kindle or iPad from...

Burton, your book is very good. I am in my 50's and I note that I have discovered much the same 'secrets' to practice as you- even though we are worlds apart (NSW Aust v WV, USA), the game seems to be the same.

1192

One difference- with technology I started with Macs (Mac Plus /SE) went to PC's because they are 'cheaper', discovered they are not as they require additional technician fees to keep them working, and when technologies converged sufficiently for Mac's to talk easily with PC's migrated back to Macs.

Your book should be mandatory reading for anyone starting out in the profession.

From: Karen Q.....
Sent: Friday, April 20, 2012 9:18 AM
To: Burton Hunter
Subject: Perspectives of a small town lawyer

Hello Mr. Hunter,

I am a "non-traditional" student in law school and will be graduating in December of 2012. My interest is in Family law and as an older student I'm concerned about the job market and currently entertaining the possibility of opening a solo practice.

I have been following the Family Law Marketing blog in linked in and saw your post about your new book. I am open to any suggestions or advice you may have.

Thank you in advance for your posts, I've always found them informative !

Best,

Karen J. Q (from, not sure.)

From: Amy D. L.

[2] [mailto:amy@somewhereinTexas.com]

Sent: Friday, April 20, 2012 11:13 AM

To: Burton Hunter

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Mr. Hunter,

I am a small town lawyer having recently relocated back to my home town due to my mother's illness. I would very much appreciate a copy of your book, "Perspectives of a Small Town Lawyer".

Thank you in advance. Have a great weekend.

Amy D. L

Attorney & Counselor at Law

..... Bank Bldg.

200 E. Ferguson, Suite 423

Somewhere In, Texas 75..2

____-____-____ telephone

____-____-____ facsimile

[3]

amy@com

1. <mailto:hunterjb@hunterlawfirm.net>
2. <mailto:%5Bmailto:amy@somewhereinTexas.com%5D>
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Attorney & Counselor at Law

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Somewhere In, Texas 75..2

____-____-____ telephone

____-____-____ facsimile

[3]

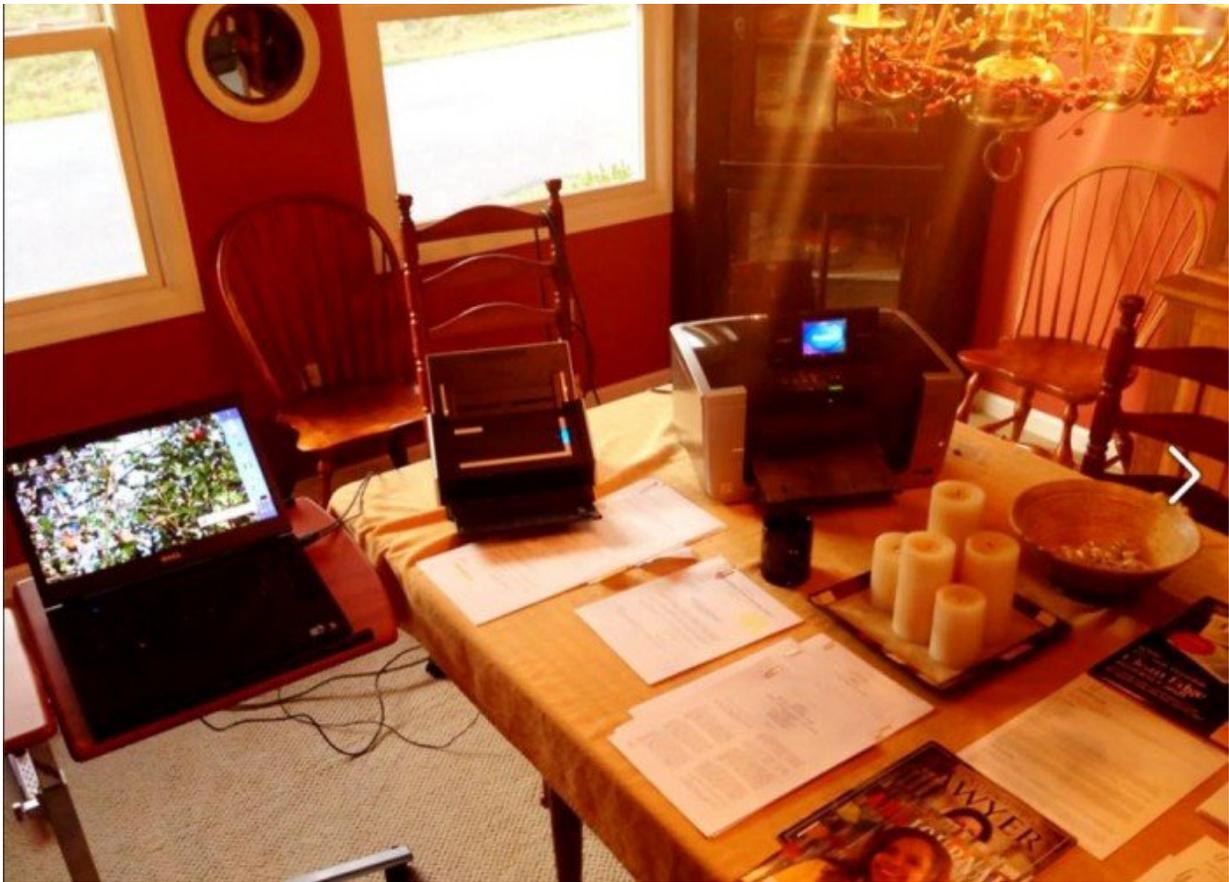
amy@com

1196

1. <mailto:hunterjb@hunterlawfirm.net>
2. <mailto:%5Bmailto:amy@somewhereinTexas.com%5D>
3. <mailto:amy@amydlong.com>

Paperless Office (2012-04-12 20:57)

[1]



This is a set up at home. Not yet paperless, but with my Fujitsu Scansnap Scanner.

An echo from my Dear Colleague Letter arrived in my inbox yesterday. (This blog is my replacement for the letter I had been sending periodically to a mailing list of colleagues I had devised. When nearly 1/3 of the addresses got out of date and bounced back, I decided to try another route.)

Elkins Lawyer Scott Curnutte was kind enough to respond to the three forms I had devised for helping clients create "object lists". Objects are the people, documents, events, physical objects, places and things that populate a case. I will send you the forms; just write me at [2]hunterjb@hunterlawfirm.net . If I don't write back promptly, you may be in my spam filter. I check that weekly. Or give me a call, 304 472-7477.

Scott has slightly different definitions for the information he collects, but he has the programming skills to have his own database for organizing the facts that make up the case. I still use the commercial product, CaseMap and related programs by Casesoft/Lexis/Nexis, although Lexis/Nexis priced itself out of my range (a sole practitioner with several employees). The related programs are TimeMap (creates a visual timeline), NoteMap (an excellent outliner), and TextMap (a transcript indexer) . Their annual subscription costs will give pause to any sole or small practitioner, but their concepts and methods can be adapted to software such as Microsoft Works, Access, or Excel.

Our conversation turned to the Paperless Office. I learned:

1. We each scan every document that arrives at our offices. He uses a large industrial strength scanner. The person scanning enters her initials. I do not worry about who scans it, but we have our Fujitsu ScanSnap scanners (think bread box) at every desk. No one has to wait to use our big scanner, copier, which we keep busy with photocopies, black and white and color, faxing, and printing. We can still use it as a scanner, especially large volume scanning.

2. We each have stopped storing client closed files. We return them, or, with with client's permission, destroy them. If the client ignores 2-3 reminders, those files also go into the bin for commercial shredding. I am in the process of disposing of @ 5000 paper files that have accumulated over more than three decades.

3. Neither office has been able to wean ourselves from maintaining a paper file. I have announced to my staff we are to be done with the paper file by the end of the year. By then, I hope to have the "new iPad" with two webcams, a crystal clear screen and better speed. It is essential, if I go to Court without the paper file, that I have the client's file on my laptop and iPad. Redundancy is essential.

4. I will probably have to have a. A wireless portable printer; and b. A wireless portable scanner. With these, I will have the equivalent of a legal office with me in court. It is time for every courtroom to have a wide screen for viewing exhibits and visual presentations. We have a Lowes dolly and bring a 22" monitor with us to court.

5. Scott shared with me, and authorized me to share with you, a link to the visuals he created for a seminar presentation he made on the creation of a paperless office, document production system. That link is: [3] <http://prezi.com/wznhs7fkdtcv/electronic-files/>

6. Scott used an online product which he finds to be much better than Microsoft's Powerpoint. I suggest you review Scott's presentation, for office tips and a potentially useful product. We have all heard of "death by Powerpoint", so any presentation product that can "jazz up" your presentations should be of interest to you.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/09/HomeOffice.jpg>

2. <mailto:hunterjb@hunterlawfirm.net>

3. <http://prezi.com/wznhs7fkdtcv/electronic-files/>

Burt's Picks of 11 Important Websites (2012-04-04 22:37)

[1]



I had this "Dear Colleague" mailing list. There we around 200 lawyers, some business and professional people, and friends I would write to them when I came upon something of interest. The motivation was:

1. I like to share stuff and show off; always have. That may be why I liked the 4-H club demonstrations and exhibits that we required to do back in Ohio County, WV.

2. I figured they would spread the word about how bright and competent I am and think of me for referrals and associations.

Occasionally I received notes of heartfelt thanks. But, mostly, people are too busy for such things. Even when I sent out a form or sample that they could use every day in their practice, not many did. Eventually half the addresses became outdated. (Old technology.)

So, I wrote to my last "Dear Colleague" letter recently,

giving recipients the link to this blog, [2]www.burtonhunteresq2.blogspot.com , (Editor: no longer active. 2-25-2015)

my Findlaw (Editor: now my own site on a WordPress platform) professional website, [3]www.hunterlawfirm.net

my first blog "*Perspectives of a Small Town Lawyer*" [4]www.burtonhunteresq.blogspot.com which is now an Amazon Kindle Book, (Ed: now www.hunterlawfirm.net)

and my e-mail [5]hunterjb@hunterlawfirm.net.

Any of them who care to can subscribe to this blog and get notices whenever I post something, so thus ends my

e-mailed "Dear Colleague Letter".

So, here are some of the most useful and informative websites I have ever encountered!

1. The website to Howard Nations Lawfirm, with great links to invaluable sites:

[6] <http://www.howardnations.com/index.shtml>

2. Craig Ball's Sampler to discovery links:

[7] <http://www.craigball.com/hotlinks.html>

3. Craig Ball's Website, with links and resources for legal technology:

[8] <http://www.craigball.com/articles.html>

4. The WV State Bar Website:

[9] <http://www.wvbar.org/>

5. The WV Supreme Court of Appeals Website:

[10] <http://www.courtswv.gov/>

6. The Link to an article by a Google VP on the new wave of Internet Marketing, The Zero Moment of Truth:

[11] <http://www.zeromomentoftruth.com/google-zmot.pdf>

7. Roy Lazris's fabulous informative site on the document assembly application Pathagoras, with a free 90 download trial version, videos, and short and long manuals:

[12] <http://www.pathagoras.com/>

8. The Medline medical research site:

[13] <http://www.nlm.nih.gov/bsd/pmresources.html>

9. Tiny URL, the website to that allows you to convert a looooong url into a short one. This helps with posts to Facebook, and has many other uses:

[14] <http://tinyurl.com/>

10. Trial Guides and David Ball's website. Not, to my knowledge, related to Craig Ball. He is a superlative trial consultant and author of David Ball on Damages and Reptile:

[15] <http://www.trialguides.com/authors/david-ball/> ; and related thereto, see:

[16] <http://www.reptilekeenanball.com/>

11. Dan Ringer's classic show The Law Works. This is a vast archive of insights into WV Law. Don't forget to search "Rural Law". No; that's not Paul Newman.

[17] <http://www.wvpubcast.org/lawworks.aspx>

1. <http://hunterlawfirm.net/wp-content/uploads/2014/01/blavatar-default.png>
2. <http://hunterlawfirm.net/>
3. <http://www.hunterlawfirm.net/>
4. <http://www.burtonhunteresq.blogspot.com/>
5. <mailto:hunterjb@hunterlawfirm.net>
6. <http://www.howardnations.com/index.shtml>
7. <http://www.craigball.com/hotlinks.html>
8. <http://www.craigball.com/articles.html>
9. <http://www.wvbar.org/>
10. <http://www.courtswv.gov/>
11. <http://www.zeromomentoftruth.com/google-zmot.pdf>
12. <http://www.pathagoras.com/>
13. <http://www.nlm.nih.gov/bsd/pmresources.html>
14. <http://tinyurl.com/>
15. <http://www.trialguides.com/authors/david-ball/>
16. <http://www.reptilekeenanball.com/>
17. <http://www.wvpubcast.org/lawworks.aspx>

11.10 March

West Virginia Lawyer - Tips and Techniques (2012-03-31 22:53)



[1]

Above is the title to my first post, and to this blog. For two years I have authored "Perspectives of a Small Town Lawyer". After editing it several times, I uploaded it last month as an Amazon Kindle book. Price

is \$2.99, but if you e-mail at [2]hunterjb@hunterlawfirm.net, I will send you the link to the DropBox folder which contains the PDF file of my book. You may "copy and paste" to your laptop or, even better, to your iPad. Please do not "cut and paste. Any favorable comments or reviews on Amazon will be deeply appreciated.

The slant of "Tips and Techniques" will be shorter posts aimed primarily at my colleagues and a few judges. Potential clients may check it out if only to see whether I am "up to snuff" with office technology and procedures. I am.

This week, I found myself headed to Butler Pa. for a deposition. I knew what I wanted to asked but had not had time to write out the questions. While my wife Nancy drove, I spoke into my iPhone, to Dragon Dictation. Dragon is now limited to one small page, so it took 7-8 e-mails to my paralegal Letetia before my outline of questions was complete. I did some simple editing.

Moments later the edited PDF file arrived to my iPhone. We drove into a Sheets parking lot, downloaded the e-mail, opened the file, and there were 38 questions, with sub-parts. It was great to scoll forward and back as I asked the doctor my questions. It beat trying to write out questions on a yellow pad, making it much easier to move questions and subjects around.

Also this week, I received a small device ordered from Amazon.com. It was a five star rated tri-pod mount for my iPhone 4s. Cost \$20, but it holds the iPhone firmly for photos or video. The image quality is excellent, as it the sound. Looks like I will put my JVC Everio into semi-retirement. I am working on a new set of videos for my YouTube Channel JBHunterIII.

The next purchase will probably need to be a new iPad with 3G and wi-fi. We are nearing the point where out entire office network drive will be "in the cloud". That means the once unbelievable will be routine. Every single document in my office will be available to me at any time via the startlingly clear iPad. That should lead to a download of the app Trial Pad. The iPad will not yet replace a Windows 7 laptop, but it sure can replace the yellow pad and trial file folder.

That's enough for my first post, except:

1. E-mail me at [3]hunterjb@hunterlawfirm.net and I will send you a link to my book and/or a Dropbox folder to an ever growing folder of various articles, forms, and checklists that I have found to be helpful. I will add to it regularly.
2. My professional site is still [4]www.hunterlawfirm.net .
3. My blogs are [5]www.burtonhunteresq.blogspot.com and [6]www.burtonhunteresq2.blogspot.com .
4. My most recent YouTube videos are at my channel, JBHunterIII.

Burton Hunter

1. <http://hunterlawfirm.net/wp-content/uploads/2012/03/031.jpg>
2. <mailto:hunterjb@hunterlawfirm.net>
3. <mailto:hunterjb@hunterlawfirm.net>
4. <http://www.hunterlawfirm.net/>
5. <http://www.burtonhunteresq.blogspot.com/>
6. <http://hunterlawfirm.net/>

How To Read Burt's Book? (2012-03-23 20:56)

[1]



As much as I would like to emulate John Grisham and Steve Coonts, I have no interest in writing fiction, and I will never reach "the masses", but I think I have some suggestions for reading "Perspectives of a Small Town Lawyer" that might justify it's \$2.99 download price. Or, if you write politely to [2]hunterjb@hunterlawfirm.net, I just might send you a link to the PDF version located in my DropBox folder "Blog Book 2012". It looks great on the iPad.

I suggest:

a. Just skim the first few articles unless you really want to know where I was raised or which year I was the Ohio County 4-H Clubs' Boy of the Year. After 5-6 posts, I started to get a rhythm. My stuff is not "canned". I talk about real events, real cases (while respecting confidentiality and privacy), and real lessons earned.

b. Then, I suggest you read 3-4 paragraphs of each article as you encounter it. I would not just jump around because the titles do not really tell you what the articles contain. And, the order is quite representative of the importance I placed on the subject matter.

c. If the first few paragraphs do not make you throw up, read 3-4 more.

d. You now should have a sense whether it is worth finishing. If you read 10 paragraphs, just finish the darned thing! They aren't that long. 120 articles in 202 pages.

I did not write anything to embarrass or get back at anyone. Any person and most products I

mention I do so because I admire them. The unnamed people I criticise probably won't read the book anyway.

Their are a few of my chapters that I consider "must reading".

a. It is stunning to me that people have so little understanding of their insurance coverages. They are one instant away from a collision or injury that ruins their life, not just physical injury, but financial ruin. My article on insurance coverages helps you to avoid that.

b. The misconceptions about personal injury law, lawsuits, tort law, what it takes to be a good personal injury lawyer, and what's involved in consulting a personal injury lawyer are "legion".

c. The examples of tragic consequences to people who tried to be their own lawyer are real, usually recent, cases. The clients have agreed their stories can be told. They generously wish for others to avoid what they went through.

And sometimes I am just having fun while making a point; e.g. "Taze the Kid?" or "Scumbags and the Death Penalty". .

Today I was able to share two articles on promisory estoppel with a colleague just as she was beginning to do research on that very subject. I like that. I want to help. I want our profession to be respected. I want my cases to be easier because the lawyers have learned to trust and work with one another.

If you find honestly, humor, and useful stuff in my book, I shall be happy.

AND, DON'T FORGET, EVEN IF YOU READ THE PDF VERSION, YOU MAY GO TO AMAZON.COM KINDLE BOOKS AND POST A KIND (Please be kind!) review. That would be a fine payment, and your comments will be carefully considered. (He says apprehensively.)

Burt Hunter

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>

2. <mailto:hunterjb@hunterlawfirm.net>

Is It Ok to Bite My Child? (2012-03-14 21:03)

If the answer to the above question were a simple "No!", it would not be the title to this blog post. I might settle for one almost as simple, "That depends.", but the answer is not simple.

This is my first post since the revised predecessors of @ 120 posts and 200 pages became Burt's first Amazon Kindle Book. You may buy it, "Perspectives of a Small Town Lawyer", and download it for a mere \$2.99. If you do so and would also like a PDF version for your iPad or PC, just let me know, and I will e-mail you a link to download. I think it is closer to the original and more pleasing to the eye, but the iPad version is really nice. I haven't seen how well the photos show up on my Kindle since I have "loaned" it to my editor, Nancy.

What prompted the question above was a mediation where my client questioned grandma's fitness to provide child care because she bit her grandchild to discourage him from biting her. The "rest of the story" describes a person for whom this was not the only child rearing faux pas. But, that's not the point of this post. I am proud to say the parties, with the mediator's help, fashioned a good parenting plan with a "no biting" provision!

I am aggressive in representing my clients and protecting their children. But, when she voiced her complaint, an impish part of me (I swear, I NEVER meant for it to come out!) blurted out, "What's wrong with that?" My client and the mediator, a Mother of two and former abuse prosecutor, both recoiled from me. My client reminded me there had been marks, and some other derelictions, and I quickly retreated.

But I continued to think about the question. We are talking about a really good mediator here, with near encyclopedic knowledge of children's developmental issues. She educates me at every mediation where children are involved. She patiently explained to the Mother that she "had heard" (This indicated to me that her own parents did not believe in this particular disciplinary tool!), that she "had heard" that people of "a certain generation" believed that such tactics constitute good parenting. This is the same mediator that keeps calling me "sir" so I realize that I, no doubt, am of the generation she "has heard" may be acting out on our grandchildren.

Post Script (2012-03-09 21:22)



[1]

This is a good day for a retrospective. I ran head on into a tree on Monday and turned 66 on Weds. I do not feel 66. In a way, I am just getting started. I expect to come to the office regularly for at least 14 more years, health and energy permitting. Today, spurred on by our newest employee, we put in the first window of what will be a two window display of 40 years of office technology. I still have at least a half dozen Apple II's. I still have case for my first "portable computer". It holds my Apple II and two floppy drives. Weighs @ 30 lb. I dragged that thing back and forth each day for several years, with the monitor in my other hand.

I dropped that computer down a dozen steps of my office over Main St. Antiques. One of the drives had to be serviced.

The Ram was either 32 or 48 k. The Apple IIe increased dramatically to 64 k. Appleworks was a flat database, spreadsheet, and word processor, and a few other features, on a 144k floppy. Soon Apple had a 1.5 hour interactive tutorial that showed you how to run the "whole shebang". Woz designed it in the garage

with several slots, eventually 7. This encouraged nerds and tinkerers to add ram, a printer buffer, and other features. Computers were headed in the right directions and then two fellows, one driven by his own ego, and one by money, Jobs and Gates, screwed everything up.

Jobs killed the Apple II and replaced it with the incompatible MAC. He made my entire office obsolete, forcing me to buy PC's which could emulate the Apple II. His MAC and what followed were closed systems, highly proprietary and written with the idea that Apple got to make all the money. Ironic that I now have an iPad and iPhone 4s, and iPod, and may have to get a new iPad too.

Gates created Windows for the PC, what Jobs called "junk". There was no problem that could not be solved with more memory. Every new machine was as slow as the last because Windows and Office Pro consumed ever greater memory. Until the iPad we could not have "instant on". The programmers should have been MADE to work in offices with the monstrosities they created. If Woz had had a stronger personality or marketing sense, perhaps Jobs could have been sent back to his Buddhist retreat, eating carrots and drinking his fruit juice, and never bathing.

We are finally beginning to get to do some really neat tech savvy stuff. I intend to stay current. Still, it is a shame to have formerly valuable machines that have no intrinsic value beyond being a door stop.

As I look back on this book, I have no illusions. This is simply a series of increasingly, I hope, useful blog articles, on what it is like to be a small town, rural, trial lawyer. It contains many lessons for the unwary. It discusses my continuing challenges with technology, with troubled clients, with contentious, and also cooperative, colleagues, with judges, and with the system.

It contains lessons learned, tips, methods and procedures for doing things in what I believe is the right way, and some "war stories" that may be of interest. I am satisfied that I have covered some important topics and written my opinions thereon in a rather candid way.

But do not expect me to be on the best seller list with Grisham or Coonts in the near future!



[2]

[EMBED]

1. <http://hunterlawfirm.net/wp-content/uploads/2012/03/VintageOffice2.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2012/03/VintageOffice1.jpg>

11.11 February

What Can a Lawyer Learn On The Road? (2012-02-08 20:54)



[1]

After all these years, I still feel I should apologize for going on vacation. I already had two "anxiety dreams". In one, I could not read my litigation outline as I began my trial, and in another I was teaching a seminar with another lawyer and could not make sense of my PowerPoint Presentation.

At this stage of our lives, 90 % of our travel is to family, our four children down south, or parent and step-parent, and siblings, to the North. I manage 3 or 4 seminars a year, but only a couple of nights away for that, and a Mountaineer game or two. And, we take our dogs with us most of the time. We love those trips, and the visitors to our happy home.

So, what can be gained by taking several days just to lounge by the ocean? Truth be told, I cannot even justify only sitting and reading a good book. This trip is to proof and edit my 200 page blog as it becomes my first, and perhaps only, Kindle book. This will never make the best seller list, but it will summarize lessons I have learned over 39 years as a trial lawyer and, we hope, serve as a useful, even helpful, marketing tool.

This trip has had another fascinating component. We have been testing, and experimenting with, our connectivity and social media. And, we invited my best friend, who is also my "marketing and social media" consultant, Dick Billick, of "Dick's Marketing,LL" to house-sit. He is managing the pets, Buddy, Duffy, and Chloe, and working with my staff. I am out of their hair, so they can tell Dick what is on their minds, and work with him as he helps us figure out how to maintain contact with hundreds of former clients, get some "five star reviews" on the Internet, and give me feed-back on our efforts to create a presence on the Internet.

Nancy and I have new matching iPhone 4s. We also have our Dell Laptops, and I have my first generation iPad. **Why the redundancy?** Well, as I have learned from sad experience, something will always fail. This time it was the iPad what was incompatible with the wi-fi at our first hotel. Next it was my iPhone dying because I plugged it into a dead outlet. With my laptop, I was able to spend a dozen hours writing while maintaining contact with Dick, my staff, and our family. I even e-mailed my staff to forward all e-mails to Nancy's phone. Time for a "car charger". It is always something.

As we travelled south, we shared photos and status updates with our Facebook Friends, Linked In connections, and Twitter Followers. I know, letting people know we are out of town can be risky. Everything is a balanced risk these days. Since we have a "junk yard dog", or three, guarding the house, and loyal staff "watching our back" at the office, we decided to take the risk.

We have received many good wishes from friends, answered several inquiries from clients and

potential clients, and sent ourselves several memos for websites we learned of on National Public Radio. It is stunning what you can learn from Sirius/XM when you are tuned to the right station, authors, scientists, musicians, and in-depth politics, and even Martha Stewart, Bill O'Reilly, and Rosie O'Donnell.

And, now we have our newest challenge, GPS, global positioning satellite! Our old Garmin wants almost as much money to download new maps as it first cost, so we have been trying to learn how to use a new one. And, our iPhones have GPS. Perhaps there are more user friendly interfaces. I certainly hope so! But we have had much fun seeking out the nearest Starbucks, restaurants, and a "beer store".

Garmin Gal seems not to know which Starbucks have gone out of business, and which Myrtle Beach restaurants are closed for the season, so we ended up sitting in "Flo's Oyster Bar" parking lot looking for another restaurant. A wrong turn took us to "The Inlet Oyster House". Neither Garmin Gal or iPhone Siri found it on our search, but look it up and you will see the owner "gets it" when it comes to marketing his little restaurant. And, his marketing is truthful. His place has that "local flavor". He was nearly full at 7:00 p.m. on a Tuesday evening, and the clientele had the look of "real people", not just tourists. We heard some talk of a "show" but not much. But, if we relied on our technology, and had not taken a "wrong turn, we would never have known of the "The Inlet Oyster House".

As much as we gripe about the quirks of Garmin Gal and Siri, we already have become dependent on them. We made it to our deponent doctor's office within one minute of the projected time. We found the nearest McDonalds for a rest room and snack. We found rest stops and Hotels. Garmin Gal took us unerringly to the Hampton Inn we searched for and found at Murrell's Inlet, and we knew just how long it was going to take us to get there. We gave it, and the Inlet Oyster Bar, five star ratings. **(Well, I will if I can ever remember my G Mail password-e-mail address combination!)**

When I finish this post, I shall upload a photo from our trip, publish the article, "share" it with my Facebook Professional Page, and Tweet it to the world and my Linked In colleagues. I can do that with each post I write or revise. Then I can "check in" via Facebook, Four Square, or Yelp, and keep track of my friends, family, and colleagues who are doing the same. Is some of it frivolous? Of course, but seeing our grandchildren, keeping track of our children, maintaining contacts with so many are worthwhile activities. I just miss the good friends who are not so connected. Seems as if we do not interact as much as before.

If tonight a potential client writes me a note from my website portal, www.hunterlawfirm.net , I can answer his/her question and refer her/him to my staff for a follow up phone call. We never have to look for a pay phone, and staff does not have to worry about reaching me on the cell phone. They can just text or e-mail me to call them. Still, twice staff did call with minor crises, which I grudgingly dealt with. Better the occasional interruption than getting fired, OR SUED.

Would I rather just sit and read a good book? **If I said yes, I would be lying, and if Nancy said no, so would she.** She finds the constant stimulation exhausting, and I find it endlessly fascinating. Yet, she is the best travelling companion a man could ask for. Fun, adventuresome and so comfortable to be with after 43 years together. If we had been dealt different cards (time AND money), I would gladly travel with her six months out of the year. As it is, we will take our moments when we can find them and use this amazing technology to live interesting and productive, and connected, lives.

That seems pretty good to me. I am happy with the cards I have been dealt.

Burt's Criticism of Religion and Religiosity (2012-02-06 15:41)



[1]

The Moon Over Our Home



[2]

Our Friend the Mantis, With Duffy Looking On

Wonders of Nature

Burt's Criticism of Religion and Religiosity
by [3]Burt Hunter on Thursday,
August 4, 2011 at 5:59pm

I have noted with interest the passionate Facebook postings over politics and religion, and the invocation of supernatural powers to help us avoid, or recover from, disaster. I have even implored the great Spaghetti Monster for intervention. I believe in the power of prayer, people rooting for one another, encouraging each other, and seeking power from "somewhere". I think we all benefit by knowing we are not alone in this journey called life.

However, I agree with Elizabeth Edwards that we are naive to seek assistance from an intervening sentient God to cure our cancer, or as I prayed last night, to help me find the missing Buddy the Dog.

This frees me from blaming God for trashing Japan or allowing little girls to be kidnapped, molested, and murdered. I found 3 things lately that helped affirm what I have figured out a long time ago:

1. This morning there was a "coffee break" on NPR, an interview of two Muslim women, one rather devout, and one quite modern, on the eve of Ramadan. The devout one was pleased they were showing live feeds from Mecca, where unbelievers are banned from the entire city. The modern woman pointed out that there is a large superhighway into Mecca, but just outside the city, there is an off-ramp that says "non-believers exit here." She said Islam as practiced in Saudi Arabia is an abomination of the teachings of Mohamed and the worst interpretation in the world, especially in its treatment of woman. She pointed out that the Saudi version of Islam allows the beating of a woman for driving or having a wisp of hair showing from under her head covering. Converts who backslide, of course, are to be killed. She said that the failure of Islam to modernize is one of the disgraces of civilization. I concur.

2. I downloaded to my Kindle the book "The Religious Virus" by Craig A. James, who quotes Epicurus:

Is God willing to prevent evil, but not able? Then he is not omnipotent.

Is he able, but not willing? Then he is malevolent.

Is he both able and willing? Then whence comes evil?

Is he neither able nor willing? Then why call him God?

I have heard the palaver trying to answer such questions, and it all comes down to "faith". Faith is belief without evidence. I am not immune to this, having promised "someone" that if a close relative recovered from illness, I would never quit the choir. The relative recovered (A miracle?), and I have stayed in the Choir for 17 years singing to what I believe is a rather cult-like view of Jesus as superhero.

I ask myself why, since Jesus' teachings are so profoundly right to me when it comes to behavior, do we have to objectify a "personal savior" who sits around worrying about me all the time? Why tell our children fables and silliness about Jesus' doing supernatural things, awakening the dead, changing water into wine, calming seas. and multiplying fish?

Why cannot we focus on his teachings and not his party tricks? This comes from a fellow who got his older cousin to admit to him, when he was five, that Santa was not real. (And she got in trouble for doing so!). The Sunday School Jesus is no more real than Santa, but his teachings are very real, better than Santa's actually.

3. The closest I came to answering the question, **"Why do religious teachers and devotees claim to believe in the supernatural?"** comes from introductory words to **"The Life of Buddha and Its Lessons"** by Henry Steel Olcott, 1912, free on Kindle from Amazon.

He says:

"The thoughtful student, in scanning the religious history of the race, has one fact continually forced upon his notice, viz., that there is an invariable tendency to deify whomsoever shows himself superior to the weakness of our common humanity. Look where we will, we find the saint-like man exalted into a divine persona and worshiped for a god. Though perhaps misunderstood, reviled, and even persecuted while living, the apotheosis (deification) is almost sure to come after death, and the victim of yesterday's mob, raised to the state of an intercessor in heaven, is besought with prayer and tears, and placatory penances, to mediate with God for the pardon of human sin."

He calls this a "mean, vile, trait of human nature", and I agree with him. How can one NOT want to defeat or conquer a neighboring country or religion if it does not recognize your "special savior"?! It is much harder to justify killing someone because his views or preferences are different from mine (Oliver Wendell Holmes Jr.'s "can't helps") than if the views derive from divine or natural law. By deifying such people, we gain a certitude that justifies wars, crusades, and jihads. Think only of the fellow in Norway who killed 90 people, mostly children, because Europe allows too many Muslims into their countries. So, also, Hitler used his "religion" to justify the **Holocaust**.

In dealing with people in my practice for nearly 40 years, among those who cause the hair on the back of my head to prickle are the loudly self-professed Christians. And, one of the crookedest I have dealt with so far was the Egyptian Muslim man who sold us our home property and his Va. lawyer. I had to deal with him through three intermediaries, and at every critical stage, he was praying to Mecca! When we met face to face and shook hands, the problems ended, so maybe I do him an injustice and should blame the intermediaries. I think he used the intermediaries to wear me out and gain an advantage. I am sure he deals with "unbelievers" differently than with believers.

So, in spite of the wonderful good that religion sometimes accomplishes, at its core, it wants to do the thinking for us. It wants to tell us what we must believe, and it wants to convert us and make us believe as it teaches.

In reading about Buddha, I learned he was a rich man who learned poverty, and became the most devout of the monks. They revered him and his teaching, but, after a few generations, his devoted followers fell into the same trap as Islam and Christianity. In order to make their guy better than our guy, they invented a full panoply of supernatural miracles and accomplishments. Things he had never believed about himself.

I thank my friend Larry for turning me to a couple of books on secular Buddhism. I love the idea of a spiritual quest, but in the end, even secular Buddhism wants to set down the rules. I want to figure out the rules for myself. So, I will be in choir singing, if they still let me, and the tear will still come to the eye and the catch in the throat, but I won't be in Sunday school. Can you imagine my spouting that stuff there? I have been assured that would not be the case. But I will not go to Sunday School and attempt to "convert" my classmates to my way of thinking.

And, lest you want to call me an atheist, I have NO IDEA WHAT IS OUT THERE, one minute

before the big bang, one mile OUTSIDE the universe. The Spaghetti Monster is as good a guess as anything. I tend to see a "Matrix"- like, god-like, Gamer with a sense of humor, programing our bizarre world. I have taken two college level courses on cd's on The Origins of Life, and Biology, the Science of Life, and this stuff is sooo complex, I can barely understand the questions, let alone the answers. And I will not accept the label "agnostic". I may change my mind about this stuff tomorrow.

But, I will tell you a secret: for the politicians who claim they do not believe in evolution, there is NO such doubt among scientists. Evolution is established to a scientific certainty! So, are the politicians dumb, or cynical, or just pandering,? I suggest a combination, depending on the politician. I know Mitt Romney is backing out of the teachings of John Smith of where the Garden of Eden was. But, Michelle Bachman and Rick Perry may believe this stuff, even to the point where they want Christians to have dominion over the world by holding all the key power positions. That **is** scary.

Why do I post these views here? Because shallow views on religion and radical views on politics, espoused on FB, tend to wear me out. So, I will set out my position once and shut up. If 2-3 of you read this, great! I am sorry to offend anyone.

But, to me, giving God credit for some one's being lucky enough to be saved in a plane crash, yet giving him a "free ride" for killing all the rest of the passengers, JUST MAKES NO SENSE. Why can't we realize that even the most brilliant person on earth isn't sure of these things? The atheists have their valid points, but their arrogance sort of ruins it. And, their efforts to stamp out every sign of our Judeo-Christian tradition and history makes them a hated group.

After all, even our founding fathers gave lip service to "The Almighty". I say, "live and let live", but stop teaching the supernatural to our children. I am happy to admit I don't know the ultimate answers, but I work a lot harder to figure them out than you might think. I think everyone should be curious of why we are here and what we are about. My wife Nancy and I were listening to the ocean last night (Feb 5, 2012) as I edited this blog to become a Kindle Book. We heard the constant noise of the waves and watched its ebb and flow and it occurred to me, if we truly understood that one thing, we would have a clue to what it is all about.
[EMBED]

1. <http://hunterlawfirm.net/wp-content/uploads/2012/02/FloatingInSpace.jpg>
2. <http://hunterlawfirm.net/wp-content/uploads/2012/02/DuffyMantis.jpg>
3. <https://www.facebook.com/burt.hunter>

11.12 January

Your Legal Checkup and Review; "An Ounce of Prevention" (2012-01-30 21:12)

[1]



(Avoiding Legal Problems, "Preventive Law")

We are used to the idea of an annual medical examination or "check up", but not so much for our "legal health". As a young US Air Force JAG, I learned of a concept called preventive law. Remember the truth in the phrases "an ounce of prevention" and "a pound of cure". I am happy to offer you that ounce of prevention.

There are firms that focus on complex estate planning for "seven figure" estates. We will be happy to work with you in finding such a firm, but a "legal checkup" is much broader than that. Even smaller estates need a review, updates of your wills, and so much more. And there are other aspects of your legal lives. Here a some of many things we will review or update for a small fixed fee, \$500.

1. Durable General Power of Attorney: Most people should have someone they trust explicitly who can sign for a package, open an account, or pay a bill if they cannot. This can be helpful if you are out of the country, but it could be critical if you are in an accident or become medically incompetent. If properly recorded, a "Durable General Power of Attorney" can be used to sign a deed or promissory note AFTER you become

incapacitated. That's what makes it "durable".

2. Special Power of Attorney: Special POA's are designed for a particular purpose. In the military, we often prepared special POA's so that a spouse could sign all documents relative to the transportation of household goods. A special power of attorney can be defined as narrowly as you choose, to take your child to the doctor or to sign for a package. At our office, if we expect a check in the mail while on vacation, we sometimes sign a special power of attorney so our staff can deposit it. Special Powers of Attorney are simple, and of course cheap, but they still must be done right.

3. Medical Power of Attorney: As long as you are clear of mind, your "Medical Power of Attorney" is of no force. But, like "durable general powers of attorney", they become critical when you can no longer make decisions yourself. You and the person you pick for your "medical power of attorney" need to have a heart to heart talk. That person needs to know you, where you are in your life, your values, and your tolerances. I have held that solemn position of trust for both of my parents. It is an important decision. Don't leave it up to WV's "medical surrogacy law". That's akin to refusing to have a will and letting the State divide your estate for you (intestacy law).

4. Living Will: I do not like living wills. I think they come from the same source as the "opioid crisis", the profit motive of the medical industry. If you have a "Medical Power of Attorney", why have an "advance directive" controlling those final medical decisions? A cynic might say it is a ploy by the insurance companies to free up medical beds. Why else are they promoted with the fear of "having tubes stuck all over your body"? I say, cover that in your discussion with your Medical surrogate, but we can discuss it. Don't hesitate to do your own reading or get a second opinion.

5. Your last will and testament: If you die without a will, you are "intestate". Your "will" will be the one the State wrote for you. You will have died "intestate" and your heirs may be just who you expected, spouse or children, but perhaps not. And, you leave them confused as to the person you wanted to handle the estate. That's the "administrator" or "executor". Many people with simple estates still want to specify "bequests" of personal property, heirlooms, etc., or "real estate" such as Grandma's farm. Don't leave such traps for you family to navigate. They'll be glad you made your wishes clear.

6. If your family is not getting along, and you or someone you love is being pulled to and fro, that's when a lawyer you trust should be consulted. The lawyer will take care to protect his client from undo influence and carry how his uncoerced wishes.

7. And, if you have a blended family or a minor child whose parent is unfit to care for them, or an impaired adult relative, or any of a dozen other challenges? If so, for God Sake, give us a call to discuss it. I have seen four cases in which a person's wishes from the grave impacted who took care of their loved one.

8. Have you reviewed your insurance coverages in detail. Perhaps your insurance agent can do it, but not from the perspective of real world claims, prospects for settlement, and avoiding financial ruin. Why not chat with both of us? I have solid ideas of how much coverage is enough. It is essential for you to carry adequate personal injury and property damage liability coverage.

9. And, uninsured and underinsured motorist coverages when the other driver carries little or no insurance? Just think, the person coming around that curve could put you or your loved one(s) in a hospital for months and pay little or nothing to assist in your recovery. No lost wages, medical expenses, payment for walkers, ramps, care providers, rehabilitation, pain and suffering (which could be immense), and permanent injury. Permanent means a life sentence.

10. Even if you have medical insurance, consider a form of coverage called "medical payments" or "med pay". It can pay \$5000- \$25,000 regardless of who was at fault and is not a charge against your medical insurance lifetime limit. It can cover deductibles and limitations from your primary coverage, and you can avoid the delay of waiting for the liability carrier to settle with you. Remember, they will not pay until you have recovered and are ready to sign a release.

11. Finally, if you own your home, perhaps a business, have retirement funds, or investments, **you will need an umbrella!** That is exactly what it sounds like, coverage over and beyond your other coverages, homeowners, auto, under and uninsurable, and liability. Usually it adds at least \$1,000,000.00 in coverage, and it is cheap. See my article: [2]<http://hunterlawfirm.net/buy-a-1000000-umbrella/12>. .

12. Are you beginning to sense that marriage is going downhill? Anyone who sees a divorce or separation as a looming possibility owes themselves and their family to do their homework. Fault, parenting rights, custody, visitation, decision making, property division, debt allocation, alimony, and division of retirement benefits. These are all issues where you can get answers.

13. There are so many other aspects of your legal life. The neighbor who keeps damaging your driveway. The neighbor who seems to think he owns your side of the fence. The relatively minor auto accident that you have been meaning to get settled. The friend who has not paid you back, or that nagging workers compensation claim. Just make your list of concerns and give us a call. We will cover them and more.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>

2. <http://hunterlawfirm.net/buy-a-1000000-umbrella/>

Hello 2012; An Avalanche of Change (2012-01-03 22:38)



Nancy and I are concluding the year 2011 at the home of her Mother, Marjorie Goodfellow, active and healthy at 90 years of age. She lives in Easton Ct. On New Year's Eve day, we had lunch at The Dressing Room, a restaurant founded by Paul Newman, in Westport Ct., behind the Westport Country Playhouse. Our connections to Paul are many, and it was nice to be dining in his "Dressing Room".

Today I put my Medicare Insurance Card into my wallet. Drat! It is a time for reflection, before we plunge into another busy year.

I never could picture myself this age, but now that I am here, I find myself looking backward and forward, with plenty of clarity and enthusiasm. I relish using what I have learned, for my practice and my private life.

This week I found yet another "lost cousin" on Facebook. We share a pair of great grandparents. I realize I will spend the rest of my life making and maintaining connections with family and friends, and preserving memories of our/their existence and our families'. I will be very sad if I ever lose the zest for that. Why? Innumerable reasons. Perhaps getting portrait quality photos of two great grandparents to download from FB is not important to everyone, but it is invaluable to me. And I can share them with our children and grandchildren.

My love for maintaining connections seamlessly exists with my desire to produce useful and creative writing and to maintain my "professional presence" on the Internet. Everyone needs to make a living, and everyone needs to eat, and I am a natural show off.

A perfect justification of why I will unapologetically project myself, my practice, my ideas, and my experiences into the ether is the way we made our way to "The Dressing Room" restaurant for New Year's Eve.

I suggested to Nancy earlier in the week that we should consider taking her Mother, Marjorie, out to lunch on New Year's Eve. I doubted we would be up for a big night out. She warmed to the idea and discussed the idea with her Mother on the phone. They remembered some familiar names but were not sure which restaurants were open.

Nancy, laptop already open, did a quick Google search of the area, found ten, narrowed to two, then one, potential choices, compared prices, ratings, travel distances, and reservation availability, and made reservations online for four at "The Dressing Room" in Westport. We travelled from Marjorie's home to The Dressing Room in 18 minutes, aided by our new Garmin GPS. There is even a dog park next to the parking lot, for Buddy and Duffy. **That's how people select services and products in the Age of Google.**

It does not make sense to make such a serious choice any other way. The Garmin got us there ten minutes early and prompted us for a rating as we pulled away. Because of Nancy's careful research, and great food and service and atmosphere, we happily gave it five stars.

On the way to Ct., we of course listened to our XM Satellite radio, with several terrific interviews, reviews of the year's movies, current news, and lively music when Burt began to tire.

On other trips, we listen to books on cd, or a Nascar race, or a football game, or music of our choice. Many people download podcasts. I cannot imagine going back to searching for stations and losing them just when things get interesting. There simply is no going back.

From now on, even hikers on the Appalachian trail, mountain climbers, and ocean going adventurers, will have their technical devices. Why go anywhere without, GPS, streaming video, or a weather report?

Professionally, I am planning for another busy and productive 10-15 years. But, I have seen

older lawyers, slowly winding down, learning nothing new, and doing things the "old fashioned way", with a dwindling clientele who sense the lawyer has failed to maintain skills or learn "new tricks". That's not for me.

Although the people of North Central WV still often reflexively turn to the Yellow Pages and word of mouth, even people who use these methods are going to look up their potential lawyer online before hiring.

For my practice, I make sure that potential clients can find lots of valuable information, answers to their questions, informative videos, and personal information about me. Just as finding a good restaurant, hotel, or travel agency is enhanced by internet research, the task of choosing a lawyer is enhanced by using the Internet.

Having spent the last two years actively posting my views, photos, videos, and blog posts, I plan, in the first quarter of 2012, to publish my first book. Initially, it will be an Amazon Kindle e-book; around 200 pages.

I note that a colleague, a Facebook Friend, recently beat me to the punch with his own Kindle book. More power to him. Lawyers need to be more communicative and creative. **It is inevitable that a person as chatty as I am, with strong views and things to say, will write about it.** If you are afraid to be judged by others, how can you consider yourself a trial lawyer?

And, if your lawyer does not have strong opinions, is not on the Internet, is not learning how to do something differently every day, and is not "tech savvy", you may fairly ask, "Why not?" I cannot think of a good answer.

As we begin the year 2012, I have formed certain conclusions that I will share here:

1. We are now in a full blown, high speed, consumer society. Our financial structure depends upon businesses selling stuff. We are, and will be more in the future, assailed with constant messages designed to motivate us to spend money. Much of the time, the products are harmful. They use up valuable resources, pollute the environment, heat up our world, make us fat, endanger our health, addict us to dangerous substances, induce us to spend money we do not have by borrowing, to be jealous of our neighbors, to be shallow in our thinking, and to be impulsive in our buying habits. Learning how to cope with this pressure will be a key skill for families and their children.

2. Our children are being assailed as never before. Playschool sells war toys. Disney produces movies "for the whole family at Christmas" but cautions they may not be suitable for someone under 13 years.

3. Big Business perceives our children as a huge demographic, not a resource to be protected, but one to be used, abused, and depleted.

4. Decent folks are afraid of the avalanche of change, so they turn to old fashioned, simple, solutions. They turn from science and reason, partly because our educational system is so flawed that it does not produce well-rounded, morally fit, critical thinkers. In their fear and confusion, they turn to simplistic solutions, and to fundamental religious teachers to tell them what to believe, how to act, and who to mistrust and fear.

4. Different societies have different solutions. America and Europe, being products of The Age of Enlightenment and of revolution, purport to support religious freedom and faith in science, **but radical, or fundamental, religion, seems to be increasing all over the world.** To me, it is cancerous that groups

of people have faith in messiahs and prophets who they believe make them superior to other "faiths". Such thought leads to be belief that they must proselytize or impose their beliefs on others. Right now, the worst seems to be radical Islam. But it is growing everywhere.

5. Something we seem to have welcomed with very little critical thought or insights by our news media is "The Arab Spring". As strong, often repressive, leaders are toppled, a "new democracy" is supposed to emerge. Where are the people with learning and perspective to help us understand what this movement is and what its potential for good, evil, and chaos is? And, why did the strong leaders gain power? Perhaps to overcome the superstition and deleterious effects of societies bound by fundamental religious teachings. I just read that "The Moslem Brotherhood" in Egypt is forming ties with Hamas in Palestine. This cannot be good for Israel or America.

6. My friend David has guided me to a Jewish blogger, named Barry Rubin, who views changes like the Arab Spring with apprehension, if not dread. Perhaps by reading him, listening to thoughtful commentators like Fareed Zachariah, and reading topical books by knowledgeable people, we can sort it out. For now, I have great concern about whether new democracies created by desperate people who are driven by fundamentalist religious views can ever lead us to an age of enlightenment.

7. By the time this is posted, since I have no Internet Service here, we will have learned the results of the Iowa Caucus. We will probably learn that a somewhat reasonable fellow is headed towards being the Republican presidential candidate. This may be simply because there were so many conservatives to his right who split up the Christian Conservative and Tea Party voters that they aided his selection. The fundamentalists are very determined.

8. As for the Democrats, many liberals are disappointed in our President. As a moderate Republican who keeps threatening to register as an independent, I feel relief that President Obama has been exactly as promised, moderately liberal. I am surprised he has avoided major gaffs, and pleased he has been steady at the helm, happy he has killed a number of bad guy leaders, including Osama, relieved he did not pull out of either Iraq, or Afghanistan, precipitously, and am also relieved that his support of the revolution in Libya did not backfire, yet.

9. But, it is tragic that "First Term Obama" lacks imagination, guts, and creativity. He is presiding over the cowardly retreat of our country from its adventure in space and the incalculable benefits a strong space policy can provide. His efforts to placate the Palestinians and Mid-eastern countries is causing fear, anger, and mistrust with our strong ally Israel without any apparent progress or benefits in return for his efforts to be "in the middle". And, he is blocked by Republicans on tax reform. There is a disparity in incomes that is creating great resentment and anger. "The Land of Opportunity" is failing the middle class.

10. Without doubt, Barack Obama lacked the credentials to be President when he was elected, but now he has the credentials. The question is, if elected President, can he somehow act decisively and imaginatively enough to make any real progress on our country's and world's major problems? I do not think so. Few people have a hint of how badly we are injured by the burst bubble of our financial system, and the pending shortfalls in Social Security, Medicare, and Medicaid. My tendency is to give him a chance because I am so disgusted with the alternative.

11. Currently, the balance of political power seems to mean that neither side can implement its espoused ideas. We lack the leadership we had with Washington, Jefferson, Adams, and others. Washington's leadership lead us to a balanced government that respected the rights of individuals. This is a miracle considering that Washington was a slaveholder who did not even free his own slaves in his lifetime, but the benefits of Bill of Rights has eventually been spread to most Americans. Without the strength

and wisdom of Washington, our colonial America might have been just as fractious and partisan as we are now.

12. In this age of instant communication, it is probably going to be up to small groups of brilliant thinkers, and pockets of parents, teachers, institutions, and governments to try to hold together our fractured society. The wisdom of the ages is a fingertip away, but so is all the baloney and crappola our foolish cultures can generate.

13. Only our technological progress can prevent the chaos that many smart people predict. Increases in the speed that information is disseminated and processed, and breakthroughs in medicine, genetics, economics, transportation, and the sciences may save us. That is where I am placing my hope. And in persons of wisdom and good intentions.

14. With luck, China, Japan, and Russia will succeed brilliantly in their space programs. Only fear of their domination, jealousy, or our inherent competitiveness, will get us back in the game in time to get colonies on the moon, Mars, in space stations, and elsewhere. Right now, ALL OUR EGGS ARE ON ONE BASKET.

15. We can pray that the essential resourcefulness of our people, who were once driven by a desire to explore, and succeed, will reappear in time.

16. Finally, back to my own little world, I intend to write, call, and visit, family, friends, and colleagues on a regular basis, to be the best lawyer I can be, to be the best husband, father, grandfather, and son in law I can be. I will continue to set out my views and invite others to contribute or criticize.

17. Since I love technology, new devices, new tools, and new ideas, as long as my mind is strong, I will exercise it. This is the last part of my first book. I hope it makes some sense.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/01/Avalanche.jpg>

12. 2011

12.1 December

Is Lying or Stealing Wrong? (2011-12-16 23:22)

[1]



Why ask such obvious questions? Because they are not so obvious,

at least not in this society. And, from what I hear from France, Greece, Italy, and Russia, America may still have a better sense of the essential "rights and wrongs" than many societies.

I listened to a part of a segment on N.P.R. this week that got me thinking. Apparently, there are such things as "unlimited metro cards" issued to students, governmental employees, and perhaps welfare recipients?, who get to use the card for the N.Y.C. subway system. Somebody pays for these cards, and the users do not have to.

The ethical question was , "Is it wrong to let someone swipe your card." I only heard 15 minutes, but apparently they spent at least 30 minutes with this dilemma. There were such questions as, "What if the person behind you asks you to swipe for them?" "If you lose your card, can you ask someone to swipe for you?" "Can you sell swipes to others?"

The learned host pointed out that allowing another to swipe isn't really taking anything. What!?? Somebody pays for every seat on that train, every turnstile, and every security guard. The "unlimited card" no doubt is for one person, student, worker, or retiree and is based on a firm statistical estimate of how many swipes they need. How can giving or selling your swipe to someone else be any different than taking your

buffet plate outside and handing to a homeless person?

Handing it to the homeless person is probably better than selling it to a crack dealer so he can stay on his corner, but I believe **that STEALING IS STEALING**. Allow someone to take a seat, and the taxpayers or paying customers are diminished.

This week, a fellow lawyer I like very much filed a motion to protect her client from answering an "overburdensome request". Overburdensome is even worse than burdensome. She told the Court I had asked her client to describe every trip he had taken in his home county and out of the county for two years. I did? I did not remember asking that? I wonder why I wanted to know that? But, in my haste, I did not have the offending request at hand. I, of course, looked stupid, and she looked properly indignant.

But, here is "the rest of the story" as Paul Harvey used to say. When my loyal paralegal fished the offending question from of the file, turns out I actually asked for every trip the respondent took that caused him to leave his child overnight with someone else during his parenting time. She found this request very "confusing". **Confusing in this context means, "I know damn well what he wants, but I am going to pretend I don't."**

It was a very relevant question in light of allegations that he frequently dumps the child on his Mom, took lavish business trips to gambling venues, and had a girlfriend he liked to visit, even when he had the child. Hmm.....so he had so many of these trips that he simply could not remember, or did the lawyer play some games with the truth to make her point with the judge? You can decide.

Issues such as this are more ambiguous than before the "Coach Rod Era". We can be enraged at the coach for trying to avoid "liquidated damages", and then WVU can try to do exactly the same thing to The Big East , and no WVU fan raises a fuss. Not quite so. I see on Face Book that some people agree with me. WVU needs to pay up.

Liquidated damages are simple. Break the contract, and you pay for damages that you do not have to prove. Coach Rod's was \$4,000,000, and WVU's was \$5,000,000. I see a good compromise. Let's assign coach Rod's obligation to the Big East!

Where do these rules of right and wrong come from? As I have written on other posts, some think they come down from "on high". Thus we have "The Ten Commandments".

Strangely, although we are assured that God hands out these rules to his special intermediaries on earth, **"An Eye for An Eye" turns into "Turn the Other Cheek"**. I picked up my "can't helps" from my upbringing in the church, 4-H Clubs, Scouts, coaches, teachers, and my parents. The Rules of Professional Responsibility, and other guidelines are helpful, but very static and sometimes short-sighted. Our WV Supreme Court and State Ethics Counsel, in my humble opinion, apply different standards to solo and small firm lawyers than they do to the big firms.

Perhaps God can become more enlightened? Maybe he can even become tolerant of gays? And their marriages? God designs a world with gays in it, and orders them to obey the rules he handed out to straight people? Why didn't he hand out rules for gay people? Why did he not create only straight people? The Devil again? And why does an omnipotent, all-knowing God allow the Devil to hang around?

I remember a movie or book where there was a question to a young woman of how many men could a 30 year old woman sleep with before she is considered a slut. Her answer, "12"? Hmmm. Used to be three? I think. These rules shift as society evolves. How then can they be "natural law"?

Dear Abby had a letter today from a lady who had many nice friends. Then she dated a black man, and all her friends shunned her. Some friends!

Why did God forget to add the Commandment, "Thou Shall not shun your white friend for dating a black person?"

Paul Harris has a Kindle essay, "Lying". What a nice little article, and by an atheist! Shocking. He discusses the many things we do and say that are not true. In my family practice, parents and grandparents often tell the children bad things about the other parent and defend themselves with, "But it is true." Just because something is true does NOT mean it needs to be spoken, especially to a child enduring the trauma of his parents' divorce. Behavior has improved with the court mandated classes for divorcing parents, but the lawyers, judges, and teachers of the classes have virtually no communication. I did not even know that a friend of mine teaches the course!

My favorite example of misguided candor (perhaps) is "Honest Abe" in the Geico commercial; a rare recently discovered movie of President and Mrs. Lincoln where she asks him if her dress makes her look fat. His answer? To hold his thumb and index fingers about an inch apart. Off she goes in a huff. The truth may not always be the best policy. It takes courage to be truthful and honest if those around you are not.

Some creatures, especially predators, survive by lying, to their partners and other species. Representatives of governments, universities, military units and churches, lie to protect the organization. Machiavelli wrote a classic work on such issues.

I say, tell the truth as best you can and do not steal. (A mild variance is "only lie when you really have to save your ass or spare a feeling.")

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>

Personal Injury Client Misperceptions (2011-12-02 21:59)



From my hundreds of interviews with potential clients and clients, I find there are common misperceptions among the victims of serious injury. These misperceptions are sometimes simple ignorance of the law and sometimes created by the deceptive "facts" spread by the insurance industry, big business, and the news media. I am surprised how naïve the media sometimes can be. Just ask the McDonald's Coffee Lady. Sorry; you can't. She is dead.

Here are a few of those misperceptions and my attempts to correct them:

1. During the first interview, potential clients want me to know they are not like those greedy people they read about who are looking to get rich from their personal injury claim.

Once I explain to them the elements of a personal injury claim, they become comfortable with that, and I have never had a client complain that I got them too large a settlement or asked me to accept only \$80,000 of a \$100,000 settlement offer.

2. Clients are surprised that the other guy's insurance company will not pay their bills unless they are ready to sign a full release.

Except for rare exceptions, perhaps for small sums designed to lull the claimant into not hiring a lawyer, **the tortfeasor's carrier will demand that release,** so in the meantime, **the client must look out for himself or herself.**

3. Clients are startled when I inform them their first step is to file a claim for medical bills against their own Med Pay insurance coverage, and if no coverage, or it runs out, their own medical insurance.

But that is exactly what Med Pay and medical insurance coverage is for, to pay the bills, regardless of fault, for them and their passengers while they are healing and waiting to settle. Since their own carrier was not at fault, the client's policy requires that they honor the Med Pay carrier's "subrogation claim" once a settlement is reached, but this routinely excludes the carrier's share of the attorney's fee that it took to

collect the settlement. Subrogate means "substitute" or stand in the claimants' shoes.

4. Some clients are upset to receive "collection notices" from their medical creditors. We are trying to do a better job of making it clear that the client is always responsible for the client's bills.

If there are no insurance proceeds to pay a bill, the client's lawyer will send a "letter of protection" to the medical provider, promising to pay the bill when the settlement is achieved. In cases where there is not enough money to pay all the bills, we can ask for the court's guidance. But, the provider does not have to accept the "letter of protection" so the client must keep in touch with the providers, and even make payment on their account to protect their credit.

So far, for various reasons, I have avoided turning to the relatively new services of personal injury financing firms, but on rare occasions that may have to be considered. Recovering from a serious collision and injures is a difficult task.

5. Finally, we lawyers have to work hard to combat the stereotype that we are greedy guns for hire. The better personal injury lawyers of course care about making good money. Lawyers are drawn to personal injury practice because it can pay well, but the good ones still put their client first, and work on the nuances like boosting the client's spirit, assuring them there is light at the end of the tunnel, and helping them to gain a fresh start. Not all reach this goal, but many do, and you should take care in finding out who we are! Not all doctors are gentle and kind, and not all lawyers are avaricious. **We are people, just like you.**

I will cover other misconceptions in future posts. Never hesitate to write me with a question, at hunterjb@hunterlawfirm.net .

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>

12.2 November

What Burt Has to Say to His (Divorce and Custody) Opponents (2011-11-20 16:21)

The WV Rules of Professional Responsibility for lawyers prohibit my communicating with a represented party. But, a lawyer must deal with unrepresented parties directly. Failure to do so in my opinion is malpractice. I am convinced that misconceptions about the divorce process and allocation of parental rights (formerly paternity actions) create a large percentage of the problems which interfere with the settlement of cases. I hope to use the form letter below with unrepresented parties and counsel to improve our communication and enhance our changes for amicable settlements.

Dear Adversary:

I would like us to start off on the right foot, so here is what I would like you to consider:

1. If you do not have a lawyer, you should retain one, or at least consult one. You are in a legal world of rules, statutes, and WV Supreme Court opinions that you cannot possibly master, and you probably

do not have the time even to try.

2. I have done over 3000 cases, and my obligation is to my client. But that does not mean I am your enemy or have a personal vendetta against you.

3. That said; **this may surprise you. I am fundamentally fair**, have decided long ago never intentionally to mislead my opponents, and will focus as hard I can on the best interests of any minor children.

4. That does not mean that I never bluff or hide our "true bottom line". There is a difference between serious negotiations, positions taken at trial, and dishonesty, and I believe I know the difference. A good lawyer can be tough, but also reasonable and honest, even "feisty but fair".

5. Children should never be used as weapons, involved in the fight, hear obscenity, view violence, be interrogated, be made partisans, or be exposed to immoderate alcohol use, drugs, or sexual activity. Parents should support the other's discipline, and require respect to the other parent.

6. The lawyers and judges who work in family law have worked with hundreds and thousands of cases. We are not in the emotional cauldron that you may be. Harsh words, infidelity, and heartache are things we deal with every day, and we may appear to have been somewhat hardened to them. Those of us who are good at what we do care about the parties and the children and want you to have a good outcome.

7. I oppose strongly:

a. Emotional abuse and efforts to control my client with threats or manipulation;

b. Your exposing your child to a "significant other" early in the case. You will learn at the court ordered "parenting class" that this is a selfish act, confusing to the child, irresponsible, and often an act of revenge against your estranged spouse. And, it makes you look bad to the Court.

c. Dangerous or crazy activities like abuse of alcohol, use of illegal drugs, threats of violence, or actual violence. These are the things that cause you to lose parental rights, go to jail, OR DIE!

d. If you are doing this stuff, when you sober up, take a few quiet moments to consider, "Why am I doing this stuff? Where is it leading? What impact am I having on people I love, or used to love? How am I going to come out the other end a whole person?" It is VERY hard to bring yourself under control, but some people can do it, often with the help of qualified professionals, starting with your doctor, minister, family, and close friends.

e. Stubborn refusal to accept the reasonable rules that govern your case. They include:

1. Equitable Distribution. We are not a community property state. Your spouse does not automatically own everything you own. But it is strongly presumed that any property, including "my retirement" accumulated during your marriage is owned 50 %-50 %. So, if you want your wife to be a stay at home wife or mother, realize and appreciate that she will raise the children, maintain your house, share in sex, and do all those things that keep our society, like volunteering at school or church, helping take care of your ailing Mom, and being there when you need a boost. A stay at home spouse usually has only the retirement the working spouse has been able to accumulate.

2. Alimony. Please do not say. "I will quit my job before paying her or him alimony!" That will get you

in trouble with the Court. It also tends to ignore all the good things mentioned in Para. e. 1 above. Instead, **WHY NOT JUST READ THE ALIMONY STATUTE.** The court must consider 20 factors before deciding whether to order alimony, how much and for how long. These factors include the parties' ages, work experience, employment status, length of marriage, health, intelligence, and event who was at fault in destroying the marriage. The court has to consider whether a party can complete some education or get some job training to become financially rehabilitated. It will also look at whether you or your spouse are receiving any income producing property, likelihood of future promotions, and where you will probably be in five or ten years. If you and your lawyer do the same thing, you can be much more realistic and less histrionic on this issue.

3. Discovery: Please simply accept that you must disclose to the other side your income, and, in divorces, your assets and debts. This disclosure includes assets purchased with only your pay check. And this disclosure includes property you consider to be separate, gifts from family, inheritance, and assets purchased at least partially with funds you had before you married. For people who have been married awhile or have significant income and properties, it takes a good lawyer and careful analysis to sort through issues of equitable distribution. If you don't have a lawyer, for gosh sakes read the Family Court Rules, the Discovery Rules, and even the Rules of Evidence. It is silly to think you can become a "self-help lawyer", but failing even to try to understand the basics is a prescription for disaster.

4. Custody. This word is supposed to be passé. Important revisions were made to the law several years ago. These revisions did not, as some people have heard, guarantee the father 50 %-50 % custody. Instead, the assumption for fit parents is a "shared parenting" plan, "time with the children" instead of "custody" and "visitation", co-equal decision making, and co-equal access to children's records. The apportionment of time is often determined by a look-back to what you and your spouse have done before the date of separation. If you worked 60 hours a week, and your spouse stayed at home and did not rely heavily on a third party care provider (baby sitter, day care, etc.), do not be surprised that you demand for 50 % is not going to be granted.

5. Mediation. Would you rather have a major role in parenting, in how your property is to be divided, in which debts are paid by which party, and in whether you receive or pay alimony, or would you just like to pitch the judge in a one hour to eight hour trial and have him or her decide your fate, and your children's? I don't think so! I request that you and your lawyer do your homework, set aside emotion as best you can, study and learn the mediation process, truly put your children first, manage your own habits and behavior.

8. Finally, **cases involving serious abuse are always problematical,** but 80 % of cases are susceptible to a negotiated settlement, usually with the help of the mediator. Try to be open to honest efforts to bridge the considerable distance between our stated positions. Cases are settled every day, to the benefit of the parties and their children.

Sincerely,

J. Burton Hunter III

Collegiality, Professionalism, and Burt's Lie Detector (2011-11-18 23:05)

[1]



Recently, I needed some letters of support from friends and colleagues, and I got them. It was an uplifting experience to receive such support, but a few of the letters contained a qualification or two that concerned me. Over the years I have heard the suggestion that I can be overzealous in representing my clients, and, "You always believe your client!" These crept into the letters of support, and were a wake-up call that some of my colleagues still do not understand me.

Allowing for the fact, as George W. Bush once famously said, or was it Bill Clinton? **"When I was young and foolish I was young and foolish."**, it has been decades since either of the criticisms above were valid for me. But some labels, once affixed, stick, and these are two that I have to bear.

I have no way to convey to someone who has not been there, what it is like to handle @ 3000 cases on one subject, or 50,000 + hours in one endeavor. Some people could do this and keep doing the same things over and over without learning new and better ways. That is not me.

Faced with a new challenge, I take it head on. If it's a new subject, I read a book or manual. If a new technology or method comes out, I am likely to try it. I consider it a special challenge to figure out how to do something in a different way from others.

It is not my lot in life to come up with a new cure for cancer, to discover calculus, become rich and famous, or found a new religious movement, but that does not mean I want only to take up space in my journey through life.

My job is to complete tasks and solve problems, my family's, my friends', my clients' and my own. Each one is a puzzle to be solved. In my professional life, I MUST gather accurate facts, so being a cheerleader for the client makes no sense. And, I must be an advocate for the best interests of their children and guide them away from hurtful behavior.

And, how do I convince other lawyers that I have an unusual ability to figure out who is telling the truth? They are smart people, and they think THEY have that special skill.

First, I suggest that after you read this, you go to my blog article, May 5, 2010, "Something Constructive; How to Organize the Facts in Your Case." Read it and watch the video. They describe my method, in every case, taken from the Casesoft suite of software products, to investigate and organize the facts of the case. I first help my client identify the documents, people and things that populate their particular case. I need to know each such person, address, phone, relationship to the parties, and what they know.

I need the photos, the Facebook postings, text messages, tax returns, deeds, titles, account balances, medical bills, medical records, and the other evidence that will be presented at trial (even though with this stuff, we usually avoid the need for a trial.)

I then need lists, LOTS of lists, of my clients concerns, of complaints against the other party, of facts in my client's favor, or problems they want to solve. FINALLY, after I make them collect these building blocks, we work on the structure itself. They can write or tell me a detailed chronology, and I can put our allegations into something called a pleading, a complaint, a petition, or a motion. When the client cannot provide these things in sufficient numbers, or of sufficient quality, I already have part of my "lie detector" in operation.

I recall the very nasty fellow who claimed to have been the primary care provider of his children who prepared no meals for them, had no cancelled checks to Krogers, no box of recipes, no favorite meals he liked to prepare. His position, "We eat lots of fast food!". Some care provider! He and I parted ways not long after that, and Burt's lie detector worked perfectly.

I sometimes use imaginary lie detectors or drug tests to get to the truth. I had a client charged with raping his 70 year old land-lady. Not a pretty picture, but neither was the case of my client charged with committing the same act with his 85 year old grandmother.

I explained to the first fellow that it would be good for me to be able to present to the prosecutor a clear lie detector result, but warned him that if he were lying to me, he would fail the test. He was not a mental giant. He gave me a sly look and said, "I beat one in Clarksburg!" Nuff' said. I had the results of my test. We worked out a plea agreement.

That raises the interesting question of whether criminal defense lawyers even want the truth from their clients? When I finally realized the answer is often "no", I worked to stop doing criminal defense.

And, of course, when I ask my client if he/she is a drug user, and I see wide-eyed innocence in the denial, I simply say, "Great, please go down to the Day Report Center to get us a clean drug screen", or as the Judge says, "Go piddle". The look in the client's eye tells me what I need to know. And, for the ones who are confident they can pass, sometimes I just wanted to know for my own information, but other times, I go ahead and send them, and attach the clean report to the pleadings, or bring it with me to the first hearing as a trump card.

Because they are not making it up as they go along, their stories have a rhythm. People lie all the time, but most like to tie their tail to some core truths. Little qualifications or hesitations speak volumes to someone who has done 10,000 - 20,000 interviews.

Lawyers need to learn how to read my written replies to their letters of concern or complaint. I may say, "Mr. Jones adamantly denies using the F-word against and flipping the bird against Ms. Jones last week-end., but I have stressed to him the need for courtesy and respect. He has promised me there will be no such behavior in the future.

This paragraph can be interpreted, "I realize my client may have acted like an idiot, but he is not going to admit it. I raised a lot of Cain with him, made sure he understands that no court will consider this behavior consistent with the best interests of the children, and if proven, can cost him some of his parenting rights."

The receiving lawyer simply needs to consider the context of my writing and give me the benefit of not being as stupid as he or she assumes I am.

As for being overzealous, filing pleadings on time, following up discovery with reminders of overdue responses, refusing to accept an answer that no witnesses have been identified six months into the case, complaining when transfer times for the children or child support payments are late, may be zealous, but they are not over zealous.

Accepting client's e-mails at all hours and forwarding their concerns and responses are zealous, not overzealous.

Filing a pleading knowing it is false, piling on discovery just to wear the other party out, calling names such as liar or thief, giving false or incomplete offers of proof (proffers) to the court, and filing frivolous motions are overzealous.

Taking on the persona of your abusive client. That's overzealous. Walking around the other parties' residence without advance notice to her counsel, communicating directly with a represented party, or sending your client to the other party with a settlement proposal to get around the other counsel, NOW THAT'S OVERZEALOUS!

And all of these things have happened to me and my clients. I do not engage in such behavior. Never have, never will, period.

So, call me opinionated, occasionally tactless, bull-headed, and vain. I have been guilty of all of these. Do not call me a liar. Expect me to keep my word and require my clients to keep theirs. If my client repudiates an agreement made in good faith, without good reason, I will probably withdraw from representing them.

And, please use your own skills to gather accurate facts, probe your client's complaint, do not fire off unsupported accusations, and measure your words. Finally, I know the rules for professional behavior and follow them, and I have my own strict standards and follow them too. If you give me the benefit of the doubt, I shall accord the same to you.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>

Living With Constant Change (2011-11-17 20:10)

I read a book back in the '70's titled "Future Shock" by Alvin Toffler, a "futurist". His first chapter grabbed you. He explained that if you treated all time, from the Big Bang to the instant the reader turns the first page as one day, that the last 10,000 years of "civilization" were a mere instant. Ages were minutes, eons mere hours.

As an avid science fiction reader, I knew all this, but he laid it out patiently. We were in the greatest age of change in history.

Recently, another book, "What Technology Wants" by Kevin Kelly hypothesized that technological change is inevitable, barring a cataclysmic disaster, but that is good because it is 60 % beneficial and only 40 % detrimental. That tends to be my experience, e.g.:

1. Cell phones cause accidents, reception is unreliable, and my Blackberry sure gets me in trouble if I use it in the restaurant will dining with my wife! But, the convenience and connectivity are so fabulous, and getting better, that it is impossible to go back to land phones and phone booths.

2. Facebook wastes time, leads to bloopers and to the wrong people getting your message, and is used for many unworthy purposes, but with nearly a billion members it has become the communal communications center for mankind.

3. Computers in all their forms consume and control us, and they are susceptible to security breaches, but they magnify our productivity and give instant access to the wisdom and knowledge of the world.

4. The Internet is used to powerful effect by pedophiles, Nazis and Jihadists, and cancer researchers, schools, governments, businesses, and charities.

But, once something really works, Facebook six months ago, my Blackberry Curve, my Subaru WRX, and my first generation iPad, **would it not be nice for it to last 5-10 years?** My parents and grandparents had the same basic phone for 50 years or so. The t.v. repairman in Buckhannon had a shop in the same place for 30 years or so (That space now sells medical supplies!), and my wife's family had the same car for 11 years.

Alas, that is no longer the world in which I live. This blog is a perfect example. All of a sudden, every time I visited it, I got a pop up telling me about the new dynamic interface. Just "click here" for a razzle-dazzle view that will finally make my blog go viral. I clicked, and have regretted it for a month. When I tried to view it, I was told I needed a newer browser. Just "click here" and I can download it. I clicked and tried to download, only to be told that I already have an even NEWER browser which blocks the one I was told I needed.

When I tried to view my own blog, I could not, and if I "proceeded unenhanced", I reached a screen that would not allow me to view, print, or play video from any of my old posts. Here I had this fabulous tool that was working well. It contained wisdom I charge real money to my clients for, and it was there for free on The Web. But I could not view it, share it, print or play it! Agh!!

In a mere 45 minutes today I was able to work my way through the Help menus and find a way to "revert to previous template" which restored the blog I had a month ago! What a relief, but we all know that soon Google will make me move into the future. By then I hope I have the right browser.

Without this crazy changing environment, I would not even have a blog. And, don't worry, I learned on public television's Nova that time is a mere illusion of our limited perspective, and all events, from Big Bang to end of time, already exist - like a streaming video.

Go figure.

Why the Republicans Need to Go to Mediators' School (2011-11-13 23:04)

[1]

Recently I heard a comment from Republican House leader John Boehner. It was so outrageously stupid, it deserved more attention than it got. Any good mediator, or lawyer who mediates, would spot it in a second.

He stated, "The Republicans are willing to work with the Democrats on solutions for America, but on the issue of taxes (or anything else substantive) we will never compromise on matters of principle. We just need to find areas of common ground." (or words to this effect.)

It is scary to think that a man with his power has such a poor understanding of how to negotiate solutions.

Here is what I explain to every client before we go to a mediation. Each side has something he or she wants, and an idea of what he might give up in order to reach agreement. So, the old model for negotiating, which I read 20 years ago in a book called "Getting to Yes", was to have a first, second, and final negotiating position.

I had negotiated hundreds of compromise agreements but could not understand why I usually agreed to something different from (usually less) than what I was going after. Then I learned the answer. When each side stakes out its first, second, and final position, the results look like this:

1)>>>>2)>>>>3)>(No Mans' land)<(3<<<<<(2<<<<<(1 >>>>

Usually there remains a gap because:

1. Neither party has yet listened to the arguments from the other side;
2. Neither party has fully appreciated the risk, cost, and delay associated with failing to reach agreement;
3. Neither party has yet been persuaded by a good mediator; and,
4. Neither party is yet ready to give up something that really hurts!

And until each party is ready to go into the uncharted territory where she/he had not planned to go, there will be no mediated compromise agreement.

Boehner, by announcing he will never compromise on "principle" is stubbornly refusing to do what a good lawyer expects his client to do, moving into the painful area where we must go in order to reach a compromise. That area, of course is where the "common ground" is located. So, Boehner's statement is meaningless.

His position, quite simply, is that while every other American, especially the middle class and poor, must sacrifice in a time of economic hardship, the wealthy will not give up even one percentage point in new or increased taxes.

When his opponents offer to raise the income levels where increases take place, or reduce the percentage of increase, Boehner says, no, no, no! *He is a political hack*, not a leader, and certainly not a person willing to enter the difficult territory of true compromise.

I sure would not want to go to a mediation with him on the other side.

1. <http://hunterlawfirm.net/wp-content/uploads/2011/11/Boehner.jpg>

12.3 October

Breaking Up With Your Personal Injury, Divorce, or Civil Lawsuit Lawyer (2011-10-07 21:54)

I am NOT writing to encourage anyone to fire their lawyer and hire me. But, it happens to all lawyers. They fire clients and clients fire them. And there are those, "You can't fire me, I quit!" situations.

I have been let go by a client, we all have. I can say with good conscience, except for the client who simply runs out of money and asks that I no longer represent them, I "fire" the client, or get fired, only when the client has such serious behavior or attitude problems that they will not allow me to help them. I am sure they may see that differently, but after 5000 cases or so in a career, I can help nearly anyone if they will let me. Some will not.

But, let me give you two examples of people that simply had to fire their lawyer:

1. An acquaintance brought in a dear fellow, post retirement age, whose leg was crushed at work. There was fault on behalf of his employer and two other negligent defendants, and plenty of insurance. **He could not reach his lawyer.**

2. A woman called whose lawyer had charged a \$2700 retainer and **two years later had no custody or child support order! She could not reach her lawyer. (See any pattern here?)**

The gentleman had been told by his lawyer a few weeks earlier that he was leaving the firm, and no one else in the firm would respond to his calls. There was clear fault and \$80,000 in medical bills! So, I was happy to help him. When I got the file back, his former firm requested a "quantum meruit" fee; that is, the value of their services to date as a fee from the settlement.

I discovered that there were no medical records in the file! There were no medical bills in the file! There was ONE letter to an insurance adjustor in the file. The other lawyer had not identified two of the potential defendants. No settlement demand was in the file. In six months, after a frustrating failed mediation, we settled that case for a large sum of money. **We paid the other firm the value of their services - NOTHING.**

In the other case, the woman's lawyer called me back, told me she had heard "rumors" the woman had gone back to her husband and that the woman did not communicate well with her. But, SHE HAD NO EXPLANATION FOR FAILING TO FILE A MOTION TO WITHDRAW AND NO EXPLANATION FOR FAILING TO GET EVEN THE TEMPORARY HEARING SET.

She was embarrassed, and I was gentle with her, but I could not resist mentioning to her the rule I will discuss here.

You see, there is a rule that governs how a lawyer gets out of a case, and, until the judge signs an order permitting withdrawal, the lawyer is responsible for that case. So the lawyer in the second scenario was obligated to move the case along or move to withdraw. She did neither.

There are judges who will not let a lawyer out of the case. I consider that inconsiderate, especially when the lawyer has 39 years experience and a reputation for fighting for his clients. When he asks to get out, he NEEDS to get out! **(NOTE: to the judges who sneak a peak at this blog to see who p....s'd me off this week. IF I ASK TO GET OUT OF A CASE, I NEED TO GET OUT!)**

In the other case, the three lawyers in that firm were, quite simply, incompetent. I declined their offer that we associate and informed them that if they persisted in pursuing a quantum meruit claim, the client would complain to State Bar Disciplinary Counsel.

Please, do not tell anyone, but I tend to have a soft heart; and, for clients I really like, or who REALLY need me, I stay on in certain cases after they have run short of funds. (It drives my billing clerk crazy!) I may not be able to do that in the future. Things are getting pretty tough here in WV.

But, as a minimum, those clients must:

- 1. Pay me something each month,** keep in touch with my wife Nancy, billing clerk and office manager.
- 2. Do what I ask** of them regarding providing a history, helping gather evidence, etc.
- 3. Follow my advice!!**

I do not quit if my client gets drunk, not the first time. I do not quit if my client does drugs, but they must get help, and they must be honest with me. Even a relapse will not get rid of me, until I decide that I cannot help this person. I once sat through a long settlement meeting with a drunken alcoholic and got him a fair parenting plan, even the Court thought so, but I quit when the client bad-mouthed me and my efforts in open court. My colleague responded indignantly, and defended me. **Thanks Jeff.**

When the case is over, the lawyer must return the client's file, if not the day he asks for it, soon. That's because the file is the client's. The lawyer may not charge for copying it. Our policy of scanning everything means we can give the client the paper file and a disk, and still have the file on record. We are a bit behind on returning files to the client who does not ask, but we are working on it.

My policy is that if it appears to be a simple communication problem between lawyer and client, I tell the client what to say to her lawyer. If the lawyer still will not respond, or, after a serious chat the client remains unhappy, my conscience is clear in accepting that client.

Accepted wisdom is not to take a difficult client that another lawyer had trouble with. That can be "nuanced". A careful interview may identify the source of the client's frustration. **A male lawyer may have more influence and control over a headstrong male client that a 30 year old female,** especially if the male client does not respect women.

A sensitive, compassionate, 30 year old lawyer may be a better match for a sensitive, shy

client, than a gruff, older, male. On that issue, I CAN be gentle with the client who needs me to be gentle, and I can be blunt if that is what the client needs. Recently, I had a first, a client who says I should have been "more blunt" in explaining the risks of his settlement. Be careful what you ask for!

So, if you know someone who is fed up and ready to give up on their lawyer, it might be as simple as coming to me and having me call the lawyer. You should not "change horses" casually, but when it has to be done....., it has to be done. And if the client has to go, HE HAS TO GO!

Divorce 101 Handout (October 5, 2011) (2011-10-05 20:25)

Two clients called this week worried about their case management conferences, so here is an informal glossary which I now am handing out to new family law clients. This will become a blog post on Oct. 5, 2011; www.burtonhunteresq.blogspot.com.

1. The beginning document is filed with the circuit clerk. It is called a Petition.
2. The Answer must be filed within 20 or 30 days of service (by sheriff or publication, or certified mail).
3. The person filing first is the Petitioner, and the person answering is the Respondent.
4. The respondent may file a counter-petition with his/her own accusations, called allegations. It must be filed with the answer.
5. A "petition for a rule to show cause" is also called a contempt petition. It alleges violation(s) of a court order and must be approved first by the court with an "order filing petition and notice of hearing".
6. In divorces, several documents must be filed with the petition:
 - a. An affidavit swearing to the truth of the accusations;
 - b. A proposed parenting plan if there are children;
 - c. A detailed financial affidavit of assets (their values) debts (their unpaid balances) and their income;
 - d. Most family courts expect a "one year and two year caretaking functions worksheet" setting out the litigant's estimation of percentages of time (totaling 100 %) of the caretaking functions performed for the child; and,
 - e. An application for services from the WV Dept. of Health and Human Resources' Bureau of Child Support Enforcement (which handles child support and alimony payments).
7. For people who need help fast:

- a. The party seeking relief can file a petition or motion for ex parte relief. If the attached affidavit is compelling, and the risk of irreparable harm apparent, the family court may grant some relief without a hearing. Examples are an order prohibiting taking the child out of state, restraining order, or even temporary custody. More often, the court will deny the immediate relief and set an emergency hearing; and,
 - b. A motion for expedited relief, where the party gets no immediate relief but asks for an early hearing, which most courts will provide.
8. Judge Sowa, Family Court Judge, of Upshur, Lewis, and Braxton Counties, complies with WV Supreme Court time-lines by issuing a Case Management Conference order. The Case Management Conference moves the case along via a short telephone interview of the parties or their counsel, or counsel's paralegal. The court wants to know the mandatory parenting classes have been scheduled and all required documents filed. Often the court will send the parties to mediation with the "CMC Order", set a status hearing date.
9. Other judges issue their own preliminary orders, for pre-mediation screening, the temporary hearing time and date, etc.
10. Mediation is covered extensively in my blog. It is a "non-adversarial form of "alternate dispute resolution". The mediator has received formal training, and must have extensive experience.
11. A temporary order is just what it implies. The court issues an order on temporary custody, child support, alimony, possession of the family residence, possession of property such as a car, a constructive trust of the marital property, or a restraining order. It is very important and often is an harbinger of things to come.
12. A final order is also what the name implies. It is the final ruling of the trial court. It can also hold a party in contempt. It is appealable to the circuit court.
13. Sometimes a case is bifurcated. That is, the divorce might be granted or property awarded, but the custody case might be handled separately and sent to mediation or contested trial. There is no jury. The family court judge is judge and jury (fact-finder).
14. A property settlement agreement divides and assigns marital debt and property. WV, being "an equitable distribution state", assumes 50 %/50 % ownership of the marital assets and debts.
15. An agreed parenting plan, or a court ordered parenting plan, followed by an order incorporating that plan into the court's final decision covers:
- a. Parenting time, overnight, day time, holidays, and vacations time;
 - b. Decision making; major non-emergency decisions, emergency decisions, and day to day decisions. Most fit parents have co-equal decision making;
 - c. Access to records, medical, dental, school, and juvenile;
 - d. Alternate dispute resolution, usually mediation; and,
 - e. Many other things are in a Permanent Parenting Plan Agreement, such as relocation of a parent, child support, medical insurance and support, alternate care providers, limitations on a parent because

of drug or alcohol abuse, physical abuse, dangerous companions, mutual respect, no criticism of the other parent, smoking, custody exchange points and rules, and anything else pertaining to the welfare of the children.

16. Rules. Your case is governed by many rules:

a. Family Court Rules;

b. Rules of Civil Procedure, especially "discovery rules";

c. Rules of Evidence;

d. Appellate Rules;

e. But not the Marquess of Queensberry rules;

f. And, as the drunken brawler told Paul Newman in the classic movie, "There ain't no rules in a knife fight!" We all know what Paul did next. So, be careful out there.

I trust my clients who get this hand-out will be relieved that their lawyer and his staff are going to lead them through this maze! If you have a family law dispute and do not have a lawyer, beware! **Sometimes the other side does not play by the rules!**

Lawyers and Language (2011-10-02 17:42)

Precision in language, spelling, grammar, and punctuation can make the difference, between being a good lawyer or a mediocre. It can also make the difference between being a good lawyer or an excellent one.

I stopped by my office after church this morning and was slapped in the face with an example. In my haste to get a letter out the door to opposing counsel, memorializing our clients' agreement, and the proposed letter to their child's counselor, **I made no fewer than four "boo boos"!**

1. I used Dragon Naturally Speaking and failed to correct spelling of the other lawyer's first name. She was not pleased.

2. I didn't proof Dragon's first effort because I was rushed for time.

3. I later proofed it hurriedly, missing her name, but also leaving in language that I sensed was a bit too strong. I should not have.

4. I allowed my staff to affix a stamp of my signature because I was not coming back to the office. **In my defense, I work intensely, fast, and usually efficiently.** I really do! And, usually my assistant will catch that misspelling. In this case, I spoke with the client, told her the wording was fairly strong, including her criticism of the child's father's behavior, and asked her to read it carefully to make sure it said what she wanted me to convey. She ok'd it, and it remains to be seen whether the other lawyer, who does not know me well, will realize the benefit of understanding the other party's perceptions of her client. From the tone of her lecturing letter, I do not think so.

Since this lawyer comes from a very good, well run, firm, I think we shall bridge the 30 year gap in our experience for the good of our clients. For now, she has made some assumptions about me that are not correct, but it is partly my fault because of 1-4 above.

I experienced another example of the importance of language when I argued a case before the WV Supreme Court of Appeals. My client graciously agreed to allow me to use her case as an example, it being another one of those horror stories I have been writing about of things that can go wrong if you do not hire a lawyer.

I saw surprise on the faces of the justices when I said that it was both a blessing and a curse that I studied English for five years, 8-12, at Linsly Military Institute in Wheeling. I wish I could go back and explain myself. **The "curse" was not that our teachers, Capt. Clutter, Capt. Judy, and the rest were very tough**, as they certainly were. One exam required us to list every form of a particular verb in two hours! The curse is I know the rules (99th percentile on my SAT's), so listening to and reading the English language now, broadcasters, actors, and even co-workers and colleagues, is excruciating. And, when I correct my staff or family member, it is VERY irritating to them.

I did not know until my 50's that "further" means degree and "farther" means distance. My wife, who is a superb speller and grammarian, explained it to me.

When I learned that my 90 year old mother-in-law did not know the rule either (and she is a GREAT conversationalist!) , and I politely corrected her, my wife was horrified. Quite properly, she inquired what difference will it make in the greater scheme of things if her Mother knows this rule? **I am not sure I can articulate it, but I want to be "healthy", and I want my food to be "healthful".** I want "normality", not "normalcy. And, I want it to be "their" gift not "there" gift. "Too" means also, and "to" is a preposition!

Now back to my argument before the Court. Any lawyer who has not been there should go. You have this well prepared outline. You MUST have it, just in case all the justices have laryngitis. But, you are never going to get to use it. One of the justices, sometimes two, will be primed with a question before you get to your second full sentence. So, that first sentence must say something about the case and give some hint about why the issues have a larger impact .

My interrogator was perfectly polite but persistent in asserting the issue is narrower than I think it is. She said it was the definition of "another relationship". I believed that it involved the enforcement and interpretation of a pre-nuptial agreement between two parties who had BOTH failed to consult a lawyer! My loyal paralegal was watching the life feed on the office computer, telling me what I should say in answer to the justice's assertions. The meaning of "another relationship" could be determined only from the context of the facts!

I finished my first turn without saying it. But, during my rebuttal, in frustration, I blurted out my comment about Linsly. The justice repeated that the whole case hinged on the meaning of the term "another relationship".

You see, **when the "pre-nupt" was thrust upon my client a few days before the wedding, she insisted on one important provision.** If she was going to waive every monetary benefit for a period of 20 years, she wanted to know that if the marriage failed during the first 10 years, she would have free housing for her and her then 8 year old daughter.

Sure enough, just two years later the husband determined he no longer wanted to be married. And, the wife, after their separation had a very brief sexual "relationship" with someone she met over the

Internet, and, the Court decided, over her denials, that there was another "one night stand".

But, she lost the free housing provision if she sooner found "another relationship". There was solid testimony from both parties that the husband assured the wife that she did not have to remain celibate, but the term was not defined in the agreement. Having deflected my arguments based on equity, basic fairness, equal protection under the law, and "rules of construction", the justice, **for the third time** said, "Mr. Hunter, the bottom line is this Court is going to have to decide what 'another relationship' means." **My paralegal shouted, "Yes!"** when I finally said, "Judge I KNOW what it means. It is a plain as day, but so far two other judges, family court, and circuit court, have failed to see it. You see, what I learned at Linsly is if they were talking about 'another relationship', you HAVE to look at whether there is an existing relationship!"

There was one that they were comparing "another relationship" to, during over 17 hours of arguing over a two day period. It was their relationship, one in which they had lived together for 26 months, were engaged to be married in 11 days, and where the man had a six figure income and she had hardly any.

The husband admitted assuring her that she did not have to remain celibate and that she kept stressing the need to have financial support and housing in any future relationship before she would lose the "free housing" benefit of the pre-nupt. Nevertheless, the family court said "another relationship" meant "any sexual relationship" and denied her a benefit worth \$100,000 even though fault was determined to have been the Husband's.

I simply said to the Supreme Court that if the family court or the circuit court had applied the plain, simple, grammatical meaning to "another relationship", my client would not have had the agony, delay, and expense of this appeal. I do not know if the WV Supreme Court will agree with me, but of course I think they should.

I commend to you three books. The first is really three books bound in one volume, Edwin Newman's, "On Language", "Strictly Speaking", and "A Civil Tongue", originally published in 1974-76, by Galahad Books. **Another is "You Are What You Speak; Grammar Grouches, Language Laws, and the Politics of Identify", by Robert Lane Greene.** I stopped reading it after Chapter 1, out of frustration. I did not like it, and I will not like the next chapter, "A Brief History of Sticklers", but eventually I will read it. In that Chapter, he excoriates a little book I liked very much, "Eats, Shoots, and Leaves", by Lynne Truss. The premise of course is that by "sprinkling commas", an anonymous writer created a picture of a Panda, entering a bar, having a sandwich, shooting a patron, and leaving. No doubt, the author thought she was saying something much different.

You see, I think putting a closing comma on a parenthetical phrase is important to the meaning of the sentence, and that a comma should separate that last item in a string, and that sprinkling commas reveals your ignorance. It may not be that important to what you do for a living, but it probably is. And, it is important that you know the rules so that when your children come home from school, where they are no longer clearly taught them, you can help them become civilized. But, in a profession where words are our tools, and our written and oral statements are our weapons, you should insist on having a literate, well read, clear thinking, experienced lawyer. I even know one who is willing to help, for a fair price.

12.4 September

Obesity And The Law, And How Not to Be Fat (2011-09-18 23:09)

I attempted a blog post on this subject and failed miserably. It is a sensitive subject and I have no desire to make anyone feel bad. **(Note: I have since revised and posted my more controversial thoughts on this subject. This is actually my second try. It includes some things I have learned about fitness and nutrition. I am no scientist, but I have read more than a dozen of the popular books and have summarized them for you here. Hope it helps. 2/17/2012, J.B.H.)**

In America, Race, Gender Preferences, Religion, and Obesity are confounding subjects. They provoke powerful emotions, generate hateful prejudices, and have maddeningly elusive solutions. I posted my views on organized religion in a note on my personal Facebook, since I believe such views are essentially personal, but obesity impacts legal issues from every angle.

West Virginia, in spite of our rugged hills, pioneer heritage, and avid devotion to sports, leads the nation in obesity, with all the resultant problems that fact implies.

In divorce, obesity effects intimacy, the health of the parents, self-image and health of the children, and in employment and insurance.

In personal injury, juries are very "judgmental" of obese claimants. Fat people usually have more serious pre-existing conditions. They are more susceptible to injury, and a fit person is much more likely to come out of a collision unscathed than his overweight counterpart.

I can turn a pre-existing injury into an advantage in a personal injury claim. I have explained that in other blog posts. A person with a bad back or knee, quite simply, is more susceptible to injury than one who does not have a weak back or knee, but making that argument is hard for a fat person, even when over half of the jury is probably significantly overweight.

I tend not to gain a lot of weight. That is a blessing. I was around 150 lb. in college and have made it as high as 180. But, that extra 15-20 lb. (I sit here today almost exactly between those two numbers), is what keeps the blood levels out of whack, appearance less than optimal, and fitness far from ideal.

When I encounter a problem; how to race a car, maintain a pond, play an instrument, run an office, or lose some weight, I tend to read a book on the subject. (Am still looking for that book to tell me how to maintain our one acre farm pond!)

That's why I have read 15-20 books over the years on nutrition, weight-loss, and fitness.

Here is a summary of what I know:

- 1. Fast reps and vigorous activity increases endurance and cardio-vascular health;**
- 2. Slow reps and heavier weights increase bulk and strength.** (But, there are many gradations between these concepts.
- 3. People who cut way back on calories lose weight. But....;**

4. **Most of us cannot cut way back on calories for very long**, especially if their diet is low fat (Dean Ornish, Weightwatchers, Jenny Craig, etc.). (Note: since writing this, I read an interesting article in Wired Magazine which reports that Weightwatchers has been completely revamped to a much closer approximation of a "Mediterranean" or "low carb" nutrition plan. The core of Weightwatchers is the network of support, the structure, and the social component. Not a bad idea for lots of people. 3-6-2012 j.b.h.)
5. **My favorite is the Mediterranean diet; lean meat, plenty of veggies, olive oil, some butter, whole wheat bread, seafood, beans, etc.**
6. Some people cannot lose weight on this diet, so they are told to starve themselves.
7. **Some people cannot gain weight** and even have digestive or colon issues that make it very difficult to maintain proper body weight.
8. **They have tested some very unhappy laboratory rats on starvation diets, and some human beings even ascribe to these diets**, and they may live an extra 10 % to 20 % (Those who do not put a bullet through their heads; the people, not the rats, who must simply endure.)
9. **The book I read recently, "Why We Get Fat; And What to Do About It" by Gary Taubes, and "The Atkins Diet Revolution" and many magazine and Internet news articles, make one compelling point, over, and over, in many inexorable compelling and logical ways.**
10. **That point is that for 99.9999 % of mankind's (humankind's) existence, there was NO OBESITY PROBLEM.** People did not get fat and could not get fat.
11. **Apparently, we were always omnivorous**, but we ate few grains, no potatoes, and everything else "rough". We ate the entire animal, insect protein, the fish we could catch, and anything that moved, wriggled, or grew naturally.
12. **Some diets now promote this "paleo" diet.** (I have since downloaded "The Paleo Diet" to kindle. I have no quarrel with it but believe there are some less drastic, more scientifically based, alternatives.
14. **Since the Chinese, Koreans, Japanese, and other cultures, at least until they began to take on our eating habits, have not had serious obesity problems, the paleo diet is not the only way we can survive today.**
15. **Scientific studies and testing agree that Americans are fat because of SUGAR**, aka, carbohydrates, aka, "carbs".
16. **Carbs are table sugar, high fructose sugar, honey, cornstarch, but also, wheat, rice, potatoes, and therefore noodles, pasta.** Carbs are also sweet corn, cookies, cake, bagels, sweetened yogurt, bread, Ding Dongs, Twinkies, ice cream cones, crackers, and even beans, yellow veggies, and nuts.
17. **Low "net carbs" are good?** That's because they are mixed with something called "fiber". It is GOOD that we have to work hard to sort out the fiber from the sugar. It must take our bodies a lot of effort. I am shocked to know my Atkins breakfast bars have actual sugar. Why not NutraSweet??!! They taste like chocolaty sweet crap, but one each morning is only 2-4 "net carbs".
18. **Some time between when I was a kid and now, "they" invented the food pyramid.** "They"

knew that carbs are the very cheapest food, that we love the taste (think potato chips, fries, and all the stuff in Para. 16 above.), and "they" knew that food with fat in it just had to be bad for you.

19. "They" just knew that exercise will help you lose weight. Only trouble is, IT WON'T!!!"
Remember when Bill Clinton jogged to McDonalds?

20. Exercise and good nutrition are good for you, but exercise is much better for keeping your bones healthy, muscles toned and strong, and heart and circulatory system healthy, than for losing weight.

21. "They" forgot that working out makes you "hungry as hell".

22. They decided to say things like "a potato is full of nutrients, especially if eaten with no butter or salt". How many of us want to eat a potato without butter, margarine, or gravy?? Or sour cream, or honey..... or?

23. Potatoes turn into pure sugar, even without piling on the "good stuff".

24. If you read "Food Nation" or some other books on the subject, you will learn we eat many magnitudes of sugar than the people in colonial times.

25. More surprising is that a diet of few, if any, carbs, and plenty of proteins and fat, is quite healthful.

26. Once we remove the carbs, the body HAS TO burn off our stored fat.

27. This is the induction phase of Adkins.

28. This part of Adkins was so controversial, that "The New Adkins Diet Revolution" stressed "the induction" phase as a temporary, 60-90 day stage.

29. Gary Taubes has the nerve to say it is a perfectly healthful (NOT HEALTHY!! We are healthy; food is, or is not, healthful.) nutritional regimen.

30. So, this is what I concluded.

a. If you eat anything you want, test your blood and find it is optimum, then eat anything.

b. If you like starving yourself, or eating incredibly low fat, and that keeps you at your ideal weight, feel free to do that, but don't keep firearms at your house.

c. If, as do most people, you can eat a reasonable amount of meat, fresh fruit (not juice), veggies, beans, whole wheat, nuts, cheese, and great stuff, and lose weight, AND CAN AFFORD THE GREATER COST, then that's the route to follow.

d. But, if you just cannot lose any other way, consider the concept of proteins and fats and

works away building a barn ON THEIR LAND.

As the neighbor prepares to drive his tractor into the garage, they stroll down, and post a "no trespassing" sign. Of course, equity requires that the neighbor had a good faith belief that he owned the property where he built the barn. It is called "color of title".

I like equitable or promissory estoppel because someone really screwed up, but is given a second chance because the person who would otherwise get the benefit of the mistake does not deserve it. He knew his neighbor was in the wrong but let him act "to his detriment" anyway. It is not fair a party to get a windfall from silence.

In the instance above, the barn builder reasonably relied on his neighbors' forbearance in sitting quietly and not objecting.

Here are three examples of equitable estoppel from the real world.

I know because they involved my clients and me:

a. A couple selling their house could not deprive the realtor of a fee even though the written listing agreement (required in WV) had expired, because they chose to let him show the house and sold that house to the buyer he found for them.

b. An insurance company could not hide behind the two year statute of limitations because it approved an extension of three weeks requested by the plaintiffs' lawyer, even though the lawyer had lost track of the statute of limitations deadline! And,

c. A mother could not sign a written agreement for the husband to take responsibility of one of the children, waive child support, and sue for full support later; to do so would severely prejudice the father who had foregone child support from the Mother AND believed he would get credit for raising the daughter. Therefore, her claim for \$70,000 of overdue child support failed in spite of strong "rules" to the contrary.

So, here are the elements of estoppel;

a. A person changes her position to her detriment.

b. What she does is violative of someone else's right (i.e. the barn on wrong property, not having a writing listing the property for sale, or not getting court approval for the change in custody.); and

c. The other person does not act to stop the person, or lures the mistaken person into believing his rights are being protected.

When these factors exist, the person trying to take advantage of the other person's mistake, is barred or "estopped" from asserting his claim or his defense.

PLEASE, do not expect the average lawyer to understand promissory or equitable estoppel. You see, I was the fellow who relied on the insurance adjustors assurances and missed a statute of limitation, and the lawyer whose client failed to get the sellers to sign a new listing agreement, and of the man who failed to get a court order approving the change of custody. It is experiences like that, and arguing estoppel dozens of times to trial and appellate courts, that allows the doctrine of estoppel to sink it.

THEREFORE, even if you screw up, TALK TO A LAWYER. Maybe your mistake is one the law will overlook!

No Lawyer? Or Just Any Lawyer? (2011-09-13 23:38)



[1]

Grey Hair is Sometimes a Good Thing

Recent events have taught me again that going to court without a lawyer is foolhardy. I was reminded recently that going to court with the wrong lawyer can also have devastating results.

A. FIRST MISTAKE; NOT HAVING A LAWYER AT ALL:

- 1. Woman driver is followed down a long, winding WV rural road** by "good ole' boys in a truck on her back bumper.
- 2. She searches for her turn, finds it, puts on turn signal** and realizes the guy behind cannot stop.
- 3. Woman swerves to the right, as, to her surprise, does the pick-up truck behind** the dump truck, which strikes her in her side, forcing her over an embankment.

4. She gets herniated disk and \$70,000 in medical bills! This is called a "permanent injury"; serious stuff.

5. The dump truck driver, his passenger, and the pick-up driver all agree that "the woman driver" slowed abruptly and caused the collision. Of course that is not true. The collision occurred because two cars were tailgating! But it takes some "lawyering" to establish that.

6. The woman, believing propaganda about not getting a lawyer because they file "frivolous lawsuits", **delays hiring a lawyer.** She comes perilously close to missing the two year statute of limitations, is forced to file the suit she wished to avoid, and she and her lawyer now must try to track down the tailgating truck driver because he had no impact and was not cited.

7. She was a day away of losing a \$250,000 claim. In retrospect, it is a no brainer that she should have had counsel just a few days after the collision. Only then can the lawyer collect the evidence, identify parties, and begin to build the claim professionally. Now, the contingent percentage will be higher, documentation will have to be compiled for the last two years, and the job will, simply, be harder.

B. SECOND MISTAKE: DELAYING GETTING A LAWYER OR HAVING THE WRONG LAWYER:

1. Former wife signs agreement and transfers custody of child to her former husband. She keeps their little boy. He accepts their girl.

2. Each make about the same money over eight years and each provides support, housing, etc. for the child in her and his respective custody. If Court calculated child support, NEITHER PARTY WOULD OWE THE OTHER CHILD SUPPORT.

3. Father, with no lawyer, fails to get court approval of the agreement.

4. Mother then sues father for \$75,000 unpaid child support, relying on a clear court order that he was to pay it!

5. Father hires a young attorney from a good firm who urges him to cough up \$40,000, in compromise or risk the \$75,000 judgment. Father almost mortgages his house, just to get it over!

6. Instead, Father retains an experienced lawyer who understands "equitable estoppel" (see next post).

7. Mother ends up waiving the entire claim and giving up custody of the younger child too.

8. At first, the husband needed an attorney to tell him to get the custody transfer approved by the court. Otherwise, unless there is a "good reason" otherwise, a monthly child support order is treated as a "decretal judgment" each month a payments come do. The first lawyer couldn't identify the "good reason", but the second lawyer, having taken similar issues to the WV Supreme Court of appeals, could. The difference is something called "experience".

C: THIRD MISTAKE: HAVING AN INEXPERIENCED LAWYER:

(Do not get me wrong; young lawyers can have brains, passion, energy, and compassion.

We were all young lawyers once. Such lawyers need a good mentor, watchful judges, attentive clients, and a bit of luck. This is just an argument for having a lawyer who has been those things, learned from practice and mistakes, and kept that passion and compassion. 3-6-2012 j.b.h.)

1. In custody negotiations, the mother is pressured to give the pushy, controlling, father to share with him much more time with children than WV law would give him.

2. She refuses.

3. But, Mother has young, inexperienced, counsel.

4. Mother's lawyer fails to explain to Mother that under WV law the father will get, if there is a contested trial, approximately the same percentage of time with thier child as the percentage of "caretaking functions" he performed during two years before separation. In this case, he did at best 20 % of the caretaking functions. Normally, such a father would be awarded every other week-end, one evening after school, a few weeks in summer, and shared holidays.

5. Father offers, if she will agree that he can have children 40 % of the time, instead of the 20 % the law would give him, and to pay her child support as if she had the 80 %. In WV law, that is called "basic shares formula". That offer gave Mother approximately \$250 more per month more than "extended shares formula."

6. Mother, who does not know about the "caretaking functions" law, partially because she needs money, agrees, and the Court approves their parenting plan including the extra child support.

7. Less than a year later, Father, who makes \$21/hr. gets a \$9.00/hr. raise, up to \$30/hr.

But.....you won't believe it! He files for REDUCTION OF child support and is granted a \$150/mo. reduction! She and her young lawyer is dumbfounded but puts off the appeal too long and misses the thirty day appeal deadline. Sadly, without a properly drafted Parenting Plan Agreement, the appeal probably would have been lost too.

8. Mother finally goes to experienced lawyer and learns, to her chagrin:

a. That she had been entitled to full custody and full child support and did not have to negotiate away that precious time.

b. That because of the percentage of overnight time she gave up, if she desires to move from WV, for better job (to go with new husband to another state for example) she may have to leave the children with their father! (In another case , Mother agreed Father could "temporarily" have the children a few extra days a month for one school year while she got her nursing degree, only to learn too late that he was able to get this "de facto" plan approved by the court, costing her \$500/mo. in child support. She would have known this if she had a lawyer. These stories make me ill every time I hear one. 3-6-2012; j.b.h.)

c. Because her lawyer forgot to get father's promise to pay the extra child support in writing, it cost her client at least \$10,000, and 500 days with her children over the next five years!

d. Finally, because the lawyer failed to explain certain issues involving custody and parental

rights to the Mother, she was at risk of losing substantial, additional parenting time the next time they went to court.

e. Some of these cases are irremediable, but many can be salvaged. Having the right lawyer can save you much worry and delay, and money too.

You can still find a good lawyer from friends of the community and by studying with some care on the internet. I write extensively on these subjects so you can read as much as you want, learn on your own, and hire me if you like my philosophy and approach. I look forward to meeting you, your friend, or your loved one. They can learn some things about my attitude and approach at my blog, [2]www.burtonhunteresq.blogspot.com,

and about my experience and qualifications at my website: [3]www.hunterlawfirm.net .

1. http://hunterlawfirm.net/wp-content/uploads/2011/09/Burt3_edited-1.jpg

2. <http://hunterlawfirm.net/>

3. <http://www.hunterlawfirm.net/>

12.5 August

How a Lawyer Deals With an Unrepresented Party (2011-08-25 20:48)

[1] How a Lawyer Deals With an Unrepresented Party

Here is an article I wrote a few years ago. I think it shows the essential fairness with which I approach dealing with people who do not yet have a lawyer or may not even hire a lawyer:

Tips For Family Practice Attorneys in Dealing With Unrepresented Parties and Their Families

These Tips are not theoretical. They are things that have worked for me during a 30+ year family practice.

1. Fundamental to these ideas are certain basic assumptions. They assume the attorney is a reasonably good conversationalist, that the attorney is compassionate and wants to help with both sides of the fractured family unit resolve their differences and move to a new phase in life, and that the attorney is reasonably intelligent and honest. These tips may not work for you if any of these assumptions do not apply to you.

2. Early in my practice, I spoke with many experienced attorneys who proudly advised, "I will never deal with an unrepresented party". My reaction -malpractice. I still feel that way.

3. Since my goal is to resolve cases efficiently, collaboratively when possible, in a timely manner, and with a good result. **I see no option but to deal with the unrepresented party.**

4. Whenever possible (about 60 % of the time), shortly before filing your petition, in the presence of your client, and with your client's permission, phone the other party in the presence of your secretary and client, introduce yourself, explain the purpose of the petition, advise the other party of their need to retain an attorney, and attempt to establish the following ground rules:

a. You will deal with one another honestly and directly;

b. That there must be no threats, harassment or abuse of any kind (or they will see your "other side");

c. That your first choice will be a prompt exchange of discoverable material and a prompt settlement meeting or mediation;

d. That if children are involved, they not be dragged into the controversy, and assure the other party of your intention to respect and agree to their establishment of parental rights.

5. This tip has many caveats:

a. With experience, you will be able to identify the 40 % or so of cases where such an idea (calling the other party) will not apply.

b. The same standards that will screen certain parties out of mediation will sometimes make this approach impossible. Serious drug or alcohol abusers are incapable of keeping their word, and certain attitudes, sometimes your client's, are nearly impossible to overcome.

c. Several times a year, I receive some complaints from clients for being billed for calls to me from their spouse or "in-law"; so, I have added to my "Thank You for Hiring Me Letter" an explanation that dealing with the other side, even difficult persons on the other side, is part of what I am being paid for and that I must be the sole judge of when it is appropriate to do so and when it is appropriate to refuse to do so.

d. Clients need to be carefully advised, especially if they have hired you because they hear you are a "rip your throat out" kind of lawyer, **that you intend to be polite, reasonable and honest with the other party.**

This is often contrary to their expectations, and it has taken me many years to figure out how to articulate this idea so the client won't think you are "a wimp".

This is a particularly difficult challenge if you are "a wimp" and somewhat difficult to carry out in practice if you are naturally aggressive.

6. The following are my most essential components in dealing with unrepresented parties:

a. Respect them, and show that respect;

b. Be honest. If you feel you cannot be honest with a particular party, that is a party you should not be dealing with directly. Do not EVER lie to the other party.

c. Be prepared to negotiate with the other party the same deal you would negotiate if they had competent counsel;

d. If the other party breaches your trust, for example, by refusing to return the child at a scheduled time, be prepared to take action immediately with an emergency or ex parte motion. If your client has trusted your advice to allow the spouse to see the children or to have access to certain property, and the other party attempts to take advantage of you, you are at great risk of being fired unless you promptly resolve the issue. Once this happens, you will have to deal with that party "at arms length" thereafter. Until recently, I had a remarkable string, nearly 10 years, of opposing parties who returned children as promised without a court order. But such strings always will be broken, and you must be prepared for that.

e. Stress during your first conversation with the other party, followed up promptly in writing, that the other party should have counsel. Never make implied promises based on a "wink" that the other party doesn't need an attorney. But make sure that the other party understands that if they do not have an attorney, you will deal with them honestly, and that no agreement between you and them will be binding until approved by the Court.

f. All other good rules of lawyering apply in dealing with self-represented litigants. Prompt preparation of agreements, prompt responses to correspondence and phone calls, accuracy in gathering the facts, promptness in scheduling hearings, and settlement meetings, and mediations facilitate the settlement of a case. A properly trained and courteous staff helps you deal with the self-represented just as they help you deal with other attorneys.

g. At appropriate times, communicate with your family court judges so that they have some idea of how you deal with self-represented litigants. Every judge knows of cases lawyers

have brow-beaten and cheated a self represented party. Show the Court that you always do the right thing. You do it for the same reason that you don't take that magazine out of your dentist's office. Your mother taught you better, and it's not fair if you do the right thing only because you don't want to get caught. Besides, you might get caught!

h. Be prepared for the accusatory question by your client or family, "whose side are you on anyway?".

My response to such comments is swift and practiced. If there are children, I make sure that the client knows I place their children's interests even above their own. I stress to them how important it is to maintain a decent relationship with the opposing party and how expensive it could be if it were otherwise. I make sure they understand that I am the person to "go to war" for them if a war is required.

i. Protecting your personal and your professional safety are imperative. I have a concealed weapons permit and "personal protection" within

a couple feet of my office chair for those unpredictable and terrifying moments we hope never will come. Certain meetings should take place only in the presence of a bailiff or in the courthouse when appropriate arrangements have been made to assure that help will promptly respond.

j. Taken to extremes, protecting yourself professionally would mean that you would never talk "one on one" with the self-represented. There are risks if you privately converse with the self-represented party, either by phone or in person, but I have found that attorneys motivated largely by "C.Y.A." are not that affective.

k. Many techniques can help:

i. Follow up notes, reciting the conversation and confirming the result is a good protection.

ii. Having a staff member present during a meeting, or at the

conclusion of the meeting, where you summarize and remind the parties of key points helps.

iii. Memorializing a conversation by turning on the tape recorder, with permission, has its place, and prompt reporting to your client by letter, through a secretary, or by a call, helps to avoid a misunderstanding.

iv. Remember, not everybody is honest, and some people hear only what they want to.

v. I have handled many an angry call from a client to whom I have been misquoted by their spouse or family. When you have a good rapport, often they will discount the other party's claim. Sometimes they will not. Explain to them what was said, honestly, and simply, and why.

7. The next "tip" depends upon the quality of your office staff and their personalities. We all know the attorneys whose staff is kept "in the dark", "I make my own appointments", and who retains staff for mere "clerical duties", typing, dictation word for word, etc. I am fortunate to have a receptionist with nearly as many years experience as I have and two "fearless" paralegals with the "gift for gab". They can be trusted to relay my messages with near 100 % accuracy, to respond to questions with mature judgment, and, where necessary, to give troubled clients motherly and practical advice. In other words, do not be afraid to delegate but maintain your e-mail messages, phone logs, and notes so that the level of communication does not deteriorate.

8. A busy family practice involves a constant stream of messages, complaints, questions and discussion. It can consume an office with what efficiency expert Ezra Tom Clark calls "urgent, but not important," chatter. Nevertheless, the better family law attorneys have a knack for accepting these messages, passing them on to the clients, getting the client's response and getting back to the other side. It is a delicate balance, but when it works, your client benefits.

In summary, in a

world which our West Virginia Supreme Court

and the "powers that be" have "thrown in the towel" regarding representation of family law litigants, with "do it yourself packages", draconian supervision of sole and small firm practitioners, and in where over 70 % of litigants are self-represented, any attorney who refuses to deal with the self-represented, and to deal with them efficiently, is doomed to much grief and failure.

1. <http://hunterlawfirm.net/?p=305>

Protecting Our Reputations (2011-08-12 20:20)

[1]



Just a short note of warning. Whether you are a high school cheerleader whose boyfriend takes "one of those pictures", a business person who gets an angry customer, a Face Booker whose karaoke photo is unflattering, or a dentist, a doctor, or a prosecuting attorney, the web can turn on you.

The first time was funny for me. My friend told me her secretary had found me in a chat room. Someone asked for the best lawyer in town, and the responder told her to run, not walk, to Burt Hunter, "because he is

the biggest SOB in the county!" Not my favorite compliment, but it was a recommendation of sorts.

But this next batch of reviews was different. I read in an obscure ratings site that I had six ratings. I was excited for an instant, until I saw the "unhappy face" and 1 rating. Not # 1; rather 1 out of five with one being the worst.

I learned that I had told a man to give up custody of his child, that I write terrible contracts, that I told an innocent man to plead guilty, that I charged one of my clients \$20 for an e-mail promoting WV Irish Road Bowling, that I yell at clients for no reason (I have yelled at clients, but there is ALWAYS a reason.), that the posters were all going to report me to the WV State Bar, and that I did not deserve to keep my license. This was vicious stuff with no foundation in truth, but there it was.

The posts were from February through April 2010. We traced it to a disagreeable client who we had to fire, and sue!

For the record:

- 1. I do not do criminal cases;** haven't for ten years. The occasional domestic battery only has a guilty plea if the evidence is overwhelming. Sometimes a plea bargain is a lot better than long jail sentence. The client ALWAYS makes the final decision.
- 2. I do not write contracts, except my own fee agreements, and property settlement agreements and parenting plans in divorces.** Those contracts have held up remarkably well if I do say so.
- 3. There is no "custody" any more (it is called "residential care" and "shared parenting", and I NEVER tell the client to give up parenting rights.** What I do is ascertain the facts, tell the client the law, and predict the outcome. The client decides what she or he will fight for. (This particular lie about me makes me VERY angry.) Please note that my first three Google Map reviews are from long time male clients who obtained full residential parenting rights of their daughters!
- 4. As for yelling at a client. I will yell,** or speak clearly and firmly, if the client, as this one did, scared my staff and advised he would show up personally at my office every day until I "made" the other lawyer respond to my letters and calls. I will "yell" if her or she violates a domestic violence, or restraining order, and I will withdraw from a case where the client persistently disobeys the court or ignores my advice. My theory is that I cannot help such people, so I move on to people that I can help.
- 5. I kicked a guy out of my office once.** He had put his wife in the hospital with his fist, but what we argued about was he had gone to the family residence and pulled out every single shrub from the front yard. When I questioned his judgment, he said, "Those are my f...k' ng shrubs, and I will do what I damn well want to with them." I promptly escorted him outside.
- 6. Then there was the client who demanded I tell his wife that if she asked for alimony, he would turn her in to the prosecuting attorney for signing his name to a credit card application.** I politely explained **that is the felony crime of extortion** (Threatening criminal prosecution to get a civil benefit.) He persisted, so I withdrew. His complaint against me to the WV State Bar was dismissed.
- 7. In 38 years, I have never been sanctioned or disciplined or sued.** Well, there was the fellow I decided to sue for my fee; he counter-sued for \$700,000 (in magistrate court, jurisdiction \$5000! He did not like the ruling that his mother's time with the child did not count as his time, and that the court did not think his wife's drinking problem was as big as he did. Clients occasionally become outraged at the rule and somehow

blame the judge or the lawyer.

8. The Internet complainer, who got me started on this subject, finally said, "Burt Hunter lazy and disorganized"!! That did it! Even my worst adversaries do not accuse me of that. As he no doubt would have liked, my hand shook, face turned red, and I sputtered. My wife threatened to go into the other room if I did not shut off the computer.

9. Because you see, even though I have a "lazy streak", I fight it. I go to work by 7:00 a.m.. I work at least 10 hours each day. I leave too much here at home for my dear wife to do. I work Saturdays, and read, study, and learn a lot of the rest of them time. I attend 300 % of the State Bars requirements for Continuing Legal Education, keep a staff of four, and sometimes five, breathing hard, and organize, organize, organize.

10. And, still, I make mistakes. I missed the word "without" in a property agreement this week. It could have had adverse ramifications for the client. The client caught is at the last moment. I thanked him and apologized. He accepted.

11. But am I the fellow in those ratings? Not even remotely. Does the author have the right to free speech. He sure does. He was the same bully in those posts as he was to his wife, (who caught him in an affair.)

The lesson I learned is know what is being said about you on the WEB. I will try harder to be polite, but some people cannot be satisfied, and some conflicts are nearly inevitable.

Some people are charming and gentle. Sometimes I am, but sometimes I am not. I am very gentle and considerate of people who come to me who are hurting. I have a folder of thank you notes that I cherish. Got one this week; from a client who lost after we filed five appeals!

The person who called me a "tough SOB" was aware of one side of me, but not the real me. The real me gets up every day wanting to do the right thing, wanting to protect children, wanting to make a good living, wanting to be well thought of in my profession, and wanting to help people get a fresh start in life. I do not get up saying, "Who can I bully today."

But, do not try to bully my client or me. That we do not take. If you find those posts, please consider both sides. I am not the easiest lawyer to have, but I will be loyal to you, so long as you can be loyal to yourself.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>

Fat, the Law, and Society (2011-08-11 21:14)



[1]

In editing my blog for my Kindle Book, I found this draft, from August 11, 2011, but never published. I considered it to be too controversial, as I mentioned in my Sept. 16, 2011 post. When I outlined my thoughts for this post, Dear Wife Nancy was concerned. She cares a lot for a lot of people who have weight issues. So do I! I have proofed and rewritten this, and it tends to duplicate some of the Sept. 16 post, but I still think my observations are valid, so here they are.

Contrary to appearances, I sometimes write about something IN SPITE of my desire to do otherwise. I write in this blog on topics I believe will be of interest and will help my clients, potential clients, colleagues, and friends.

I posted a note to FB on my views on religion, "religiosity" and philosophy. (It ruffled some feathers. but I am also including it in my Kindle Book. Perhaps it will get me on Piers Morgan or Bill O'Reilly.) (J.B.H. 2/17/2012)

I will not tackle race or gender issues, even though WV's coal miners' families were targeted by the "Kansas Krazies" after our WV Supreme Court wisely awarded a child to her lesbian, non-biological mother. Race is beyond me, and not a major, immediate, problem in Buckhannon, where almost everyone is the same race. Let's just say I have come a long way on these issues, but they deserve more time and effort than I can devote here.

But fat (obesity) is a huge problem in WV. We are the "Fattest of 50". This is counter-intuitive.

How can "rugged mountaineers" who have provided the highest percentage of soldiers and casualties in our wars, and whose landscape is one big "stair stepper", have the highest obesity rate in the country?

No doubt, the problems we have with our economy, poverty, educations, and our mountainous terrain, the very things that rank us so low in these areas, help to rank us high in obesity.

How is obesity a "legal issue"?

1. Let's start with divorce. I had a client who everyone described as petite and beautiful as a young bride, appear in my office exhausted, with immune system problems, back problems, digestive problems, high blood pressure, depression, and a husband who had walked out on her.

2. The witnesses said she and her husband had had a near idyllic marriage for 15 years.

3. But, when I met her, all she could do was cry. She had increased her weight, over the years, by MORE THAN 100 %!

4. She and her husband had stopped being intimate, and she had applied for SSI (welfare, or "means tested") disability benefits. Why "means tested" benefits? Because she had been a stay at home wife and mother. Now hubby just wanted to "throw her away".

5. "Means tested" benefits are awarded only if the applicant is nearly destitute. She or he may have no more than \$2000 in cash assets. They may own a home, I think, but most don't. Any earnings must be deducted from the benefit, so there is no incentive for the person even to work part time. And, the benefit is around \$600 per month.

6. That means that if I get my client \$300 per month alimony, she gets that \$300 and \$300 from the government. She is stuck at \$600, so her only hope is to live with a relative. In one case the former husband continued to pay her "under the table". She "fired" me so she and he could go in and lie to the court.

7. I thought I had figured out how to put the alimony into a "special needs trust" for use on all sorts of things, fitness equipment, roof repairs, even a new t.v., but the WV Dept of Health and Human Resources (WVDHHR), after approving one of them, wised up and objected, and the Court agreed with them. No more special needs trust funded by alimony. This is very unfortunate.

8. So, lifestyle choices, comfort, fast food, and sedentary habits, lead thousands of West Virginians into ill health, unhappiness, poverty, or all three!

9. WV working men are more likely to work until their 50's when the back, knees, and hips go out. Then they apply for Social Security Disability or Worker's Compensation. These are much more robust programs. The combination of obesity and injury to a back or weight bearing joint, combined with heart or breathing issues, is a gold mine for the Social Security and Workers Comp bar. I once associated with an attorney who told our client, "You are ten lb. over the Social Security minimum, so keep eating." I withdrew from that case.

10. Then there are the obese personal injury victims, such as the woman referenced above whose weight doubled during their marriage. She still had the same skeletal and muscular structures that she had as a younger woman, except for the arthritic joints, with "ossification" (build up of bony structures) of the joints. When obese people are in a collision, there is an exponential increase in the stress to ligaments

and bones. Ironically, getting them fair compensation is harder than for their thinner counterparts.

11. The adjuster knows that juries do not like fat people, or old people, or homely people, or dumb people (sorry for those labels, but it is a simple statistical fact). Juries like attractive people, and young, but not too young, people. Juries also perceive children as "the enemy" because they tend to identify with the adult licensed drivers. They put themselves in the shoes of the defendant and tend not to be generous to children.

12. Whether they admit it or not, the jury tends to believe that the obese person somehow deserves the greater injury and will not compensate them for it.

13. I once had a client, who weighed over 500 lb., who nearly lost the ability to walk from an impact that did not seriously injure his much smaller wife. Yet, the insurance adjuster would not pay him as much as he offered to pay her. Sadly, believing that the jury would see it the same way, the couple accepted the offers.

14. I know this article is not going to change the world. We live in a state where the most nurturing group a person can find, her church family, serves and sells, macaroni and cheese, barbecue, tacos, hush puppies, apple pie, mashed potatoes, candy, cookies, strawberry shortcake, homemade ice cream, and other goodies dozens of times a year. Churches can save us for Jesus but do not dare to try to save us from ourselves.

15. Fattening food is the major draw to many church events, and the harsh reality is that mainstream churches are dwindling anyway. So, you are not going to hear the preacher railing against the pancake breakfast, or the men's bacon and egg breakfast, or the ice cream and shortcake.

16. Why doesn't every church have a women's and men's exercise group, a nutrition study group, or a children's healthful eating program? You tell me.

17. That's enough beating up on churches. We have busy lives. It is so hard to stay "low carb" when you eat at "drive-throughs" three or four times a week as I do. But, 5-6 months out of the year, with great effort, we work to knock off that 10-15 lb. that tend to build up. I am fortunate it isn't two to three times that.

18. Dr. Laura, the radio personality, is pretty tough on this subject for women. She criticizes the obese person who failed to attend to weight, fitness, and intimacy issues to the detriment of her marriage and family. It is easy to criticize, but the simple fact is obesity is a plague on our society, and especially on West Virginians.

1. <http://hunterlawfirm.net/wp-content/uploads/2011/08/obeseperson.jpeg>

What's With the Free Videos? (2011-08-07 14:00)

This is a short post to explain the appearance of videos in this blog and elsewhere.

First, I invite you to visit my new domain url, for 20 "free videos" It is:

<http://tinyurl.com/3ofvsuz>

This is a link to a "video book" created by my friend, Dick Billick, who now is "Dick's Marketing", www.dicksmarketing.com/ . He is a social media advertising consultant. He liked my videos, including a few bloopers, and turned it into a video essay on my experiences, and lessons learned, as a practicing trial lawyer for over 30 years.

During a "working vacation" recently, I reviewed my 18 months of blogging activity, and came up with several dozen topics directly from my table of contents.We culled 100 "takes" into 36 videos on a variety of topics. Dick snagged a few from the "blooper bin" at my expense. We've been doing that sort of thing to one another for over 40 years.

Dick's enthusiasm is infectious, so I now commit to creating a book of @ 200 pages covering my three major areas of practice within the next year. Much of the raw material is already available in my blog, website, and videos.

My marketing follows three fundamental principles:

1. Provide to the recipients value, value, value.

2. Never exaggerate or over promise.

3. Do not take myself too seriously. If you do not likely something I post, ignore it or give me some negative feed-back.

Trial lawyers are natural hams. We have to perform, for clients, mediators, judges and juries. If we cannot communicate, we lose the close cases or get less than the client deserves.

So, this is a continuation of my efforts, over more that 35 years, to communicate, teach, and succeed.

Burt Hunter

Personal Injury and Divorce In West Virginia (2011-08-07 06:39)

[EMBED]

12.6 July

Dear Personal Injury Client: Points to Remember (2011-07-31 15:37)

(Note: Feb. 10, 2012. J.B.H. This is straightforward, bread and butter, stuff that every one of us should have, since EVERYONE is a potential personal injury claimant. And if not you, a loved one will surely need this.)

Typically, during our first interview or two, I learn a lot about your claim and injuries, and I tell you a great deal about the "rules" and the law. When you get home, however, most of what I told you is a blur, so here are the key things you should remember.

1. If you are my client, I already learned you have a serious injury and it appears to be the result of the "negligence" of someone else. That is, they broke a rule or a law, either intentionally, by speeding or texting and driving, or just not paying attention.

2. Injuries and fault mean nothing without the tortfeasor's ability to pay. I have never gone after a tortfeasor's house or car, and most clients don't have the stomach for that anyway.

3. That means we must find some insurance coverage. If you get hit by a Fed Ex or Wal-Mart truck, that's not much of a problem, but if you get hit by the proverbial teen-aged punk or little old lady who forgot to pay her insurance premium, you may have BIG problems ON TOP OF YOUR INJURIES.

4. So, the analysis of your auto insurance, home-owners, medical coverage, or "personal umbrella" becomes essential.

5. Remember:

a. Med Pay, or family coverage, is the coverage you should have on your own auto policy to provide \$5000- \$25,000 of coverage per person for immediate medical bills REGARDLESS OF WHO IS AT FAULT. This means, even if YOU caused your injuries, this coverage kicks in BEFORE your medical insurance needs to be used.

b. When you settle with the tortfeasor, you have to pay all or part of this back, since your carrier stands in your shoes here and has a SUBROGATION CLAIM. Where one company covered both sides, we sometimes can get the subrogation claim waived, but that's too iffy to discuss here.

c. If the person who hit you has little or no liability coverage, they may be facing criminal charges, **BUT you must pray that the "full coverage" you thought you had protects you with:**

1. Uninsured Motorist coverage (U.M.).

2. Underinsured Motorist coverage (U.I.M.)

3. A "personal umbrella", usually at least \$1,000,000, which hovers over all of your other coverages. (Note with this; you can have an umbrella with holes! I actually had a case where the agent wrote to his clients to talk them into getting an umbrella, convinced them, but failed to provide them U.I.M.! It turns out that in WV he HAD to, so they got the coverage, but YOU cannot risk having that good fortune.

6. Of course, most of you are reading this AFTER your collision, so we will do the very best for you that we can. We will leave no stone unturned. If a child is injured, perhaps the child lives in TWO household (e.g. post-divorce) and perhaps we can stack or combine coverages.

7. Even the State of WV carries liability insurance for some situations: a. State Cars, b. School Buses; c. Premises Liability. In those instances we deal with a State Board of Risk in trying to settle your claim.

8. It is possible you were injured by the combined mistakes of two or more entities/people. A good example is the person on her cell phone who follows you too closely. If you have to break for a light or darting child, she may slam on the breaks and barely miss hitting you, only to have the poor "doofus" behind her "rear-end her" and drive her into you.

9. The police will ticket the "doofus" but not the person who caused the wreck since she managed to stop. I bring the claim against both drivers, neither of whom followed the fundamental rule of leaving plenty of space and staying alert. Their breaking of the rules combined to mess up you back, and your life, and maybe injured your loved one! Of course their insurance will pay. Or, you could have a situation similar to one of my pending cases where my client was injured by the combined mistakes of TWO DRUNK DRIVERS! That doesn't happen often, but it gives me an edge in negotiations when it does.

10. AND REMEMBER: We have given you forms to fill out. Please fill them out conscientiously. I had two clients who were poster children for what NOT to do:

a. The gal forgot to tell me that a chiropractor treated her for an injury at the exact place of the new injury FIVE YEARS BEFORE. She lied about it during discovery, and I caught it the morning of jury selections. We salvaged a fair settlement, but no thanks to her. She failed to realize that I can turn a pre-existing injury into an asset IF I KNOW ABOUT IT. Any reasonable juror or adjustor knows a body part previously injured is more susceptible to re-injury. It is called exacerbation!

b. The guy had a frozen hip from a "t.b. infection" when he was 13. I think they call it sepsis. He worked as a barber for over 30 years. He was hit on the driver's side door by someone running a stop sign, and his career ended because the hip joint was freed up to move "bone on bone"; ouch! The claim was worth at least \$100,000, UNTIL the defense lawyer called to tell me that fellow's Social Security Disability file contained an affidavit from my client swearing he had sustained "no serious physical injury during the last five years". Aghhhh! I called the fellow, and **he sheepishly explained that he felt he had to lie, or not get his disability award. He cost himself \$80,000!**

11. SO MAKE SURE WE HAVE ALL THE FACTS, WITHOUT OMISSIONS OR LIES. All your injuries, your bills (bring them in AS YOU GET THEM!), your lost wages, your benefits, your expenses!

12. There are two tools we use to good effect:

a. Your diary. This is a journal that you or your spouse maintain. Short entries, but specific; about your missed trip to Kennywood Park, your inability to hold your grandchild, the pain of intimacy and impact on your relationship. NEVER exaggerate. Read my blog article on tips about SOCIAL MEDIA. Your posts to Facebook can kill your personal injury claim (or your divorce or other case.)

b. One client's journal contained such an angry rant that I had to meet with him and tell him any jury who read it would find him angry, petulant, and nasty. He broke down into tears and admitted that he agreed. Turns out he had come back from a very serious workers comp injury and the new injury had

caused him to feel overwhelmed and helpless. A forensic psychological evaluation revealed a classic case of post-traumatic stress disorder which enhanced the value of the claim and led to successful treatment of the P.T.S.D.; SO, communicate effectively using a well written journal.

c. We utilize lay witness letters. That is, we do a letter that you circulate to friends and relatives asking them to write a letter tell us of their observations of you before and after your injury. We provide a self-addressed, stamped, envelope, and ask the author to give name, address, occupation, relationship to you and what they have observed. These letters are often outpourings of love and concern. They are helpful to document the claim and are even therapeutic.

13. If you have stayed with me this far, I have some final advice;

a. Read this again, and several times during this process.

b. Stay in touch, with my paralegal and me. Bring us your diary as you write it, call with questions, let us know when you are going to the doctor, getting therapy, or scheduled for surgery.

14. Our goal for your case is to get you a fair recovery, help you rebound, and help you and our family position yourselves for the rest of your lives.

Your Lawyer and His Staff.

Why Do You Have a Blog Too Mr. Hunter? (2011-07-25 16:42)

Around 18 months ago I began to get serious about maintaining a blog.I had been studying social media and marketing a law office, and I have a lot to say.

Since then I have posted nearly 150 pages. And, I still have a lot to say.

(Note; as of Feb. 10, 2012, I now have approximately 200 pages, and I have spent a week, at Wrightsville Beach, N.C. and Jekyll Island, Ga. proofing, revising, adding to, and posting photos and videos to my blog. I tried to add key words to most of them. This afternoon, I shall produce it as a PDF file book. I may have some friends proof and critique, then revise again, convert to PDF again and then convert to a file that can be read as a Kindle Book, and I may have my first Kindle Book.)

We have had houseguests for a week, so **this will be my shortest post in a long time**, but here is my video answering the question above.

Burt Hunter

[EMBED]

Practical Technology 102 (2011-07-15 20:49)

It is easy to spout some of the tips and ideas I stumble over and another to find things that work. Here is what I learned today: If you get one of those miraculous Fujitsu Scansnap 1500 Scanners, with bundled Adobe Standard 9.0, check your default. You will want to make sure you are scanning to your client or personal folders "searchable PDF" files; otherwise, you may have difficulty searching within the body of the document.

Here is a great way to do legal, or any kind of, research. Go to your legal research software. I use Fastcase. Many Lawyers use WestNext and others Lexis/Nexis. Take the cases cited by your opponent, and the cases you find, and line them up in the queue for printing. Or, take any research materials that you can turn into PDF files.

Print all the cases, or material, to searchable PDF files. Take the other side's brief, pleadings, and other relevant documents. Scan them to PDF. Use the "combine files" feature on Acrobat. Now you have a BIG file. You have to read the darn cases and documents anyway, so better to have them together.

Now, as you identify key issues, facts, and legal points, highlight them in yellow, and annotate with legal stickies. Hit "show all comments" and there they are. **Print the "comments only" to a PDF.** You will have all your notes, indexed to page and paragraph number, labeled for you, and you will have the key document you need to dictate your brief, your statement of facts, your statement of the law, and argument, **or** your term papers, memoir, or anything else you care to write!

Consider having a second screen set to portrait (vertical), but working at home today, on my Dell Latitude Laptop, I could easily adjust the screen for large print. I selected the little hand tool, so I could pull the screen up as I needed to.

And, to demonstrate that Internet marketing and technology wonderfully well together, I told my Findlaw rep that I had completed my 30 videos and he asked me to send it to him on disk. Instead, 10 minutes later, he had the files, which took me 12 hours to upload, on his desktop, using DropBox. Stay tuned, since people I trust say it is my best stuff so far. And I had FUN doing it.

And, a young woman, with serious injuries caused by a reckless driver, scrolled the Findlaw lawyer listings using Google, found me with my background in the USAF JAG (her husband is a pilot) and, after a one hour chat, hired me. That's a client I would not otherwise have got.

In the meantime, today I answered my staff's questions and gave them guidance, all the while working from home. **I think my productivity today was enhanced 100 % with my technology.** Give me a call if you need our services, and I will try to do the same for you.

[EMBED]

Kacie Anthony-Miscellany-Videos (2011-07-05 22:06)

Just a few thoughts:

- 1. My failure to post the last few weeks does not mean I am easing off. I am just reloading.**
- 2. I am home this week for a "working vacation".**
- 3. Tomorrow, with my wife Nancy as videographer, I hope to refresh my video library with 20-40 30-60 second spots,** with frequently asked questions (FAQS), a guide to my blog, and others. (Note; we did over 50! Some are attached to blog articles. All of them are at my YouTube Channel, JBHunterIII, j.b.h. 3-5-2012)
- 4. I am reading David Ball's "REPTILE".** David, and co-author Don Keenan are the most sought after trial and jury consultants in the U.S. It is a powerful counter to the unrelenting attack on our jury trial and civil justice system. He advocates our appealing to potential jurors' immediate perceived self-interest in the interests of a just result. More on that later.
- 5. Just sitting on our decks during a near perfect July weather week is very comforting.** No hectic travel, vacation expenses, or distractions. I guess we are having a "staycation".
- 6. I am re-reading my blog book in gathering topics for my videos.** I am proud of it. From a one year, and more, perspective, I think it has plenty of humour and insights; some really good bread and butter stuff. But, I admit to disappointment in my failure to generate discussion. I had hoped to stimulate thought and to contribute to an improvement in my and my colleagues' efficiency, professionalism, and collegiality. Even those I have gently taken to task have remained mum.
- 7. My interest in Reptile derived directly from hearing Mr. Ball at a WVAJ seminar.** If your lawyer does not attend lots of CLE, you have a right wonder why?
- 8. I write almost equally to colleagues and potential and present clients.** For clients, several posts are "mandatory reading assignments". Others, of course, have been very complimentary.
- 9. Finally; I am here rather than Facebook this evening because Kacie Anthony appears to have bogged down the Hughesnet satellite.** I did not follow the trial closely, and I have no doubt she committed a terrible act, but it occurred to me before her acquittal of all felony charges that I was not very sure of what terrible acts she committed. Many juries would compromise on something in the middle, being fearful of taking the life of another human by mistake. I suspect there was sufficient evidence, but I did not spend a couple months of my life hearing it.
- 10. I admire the jury for not accepting their "moment in the sun" after the verdict.** Time to go home with their family. But, couldn't they have convicted her of SOMETHING?!

[EMBED]

12.7 June

A Study In Hypocrisy (2011-06-19 21:47)

Once in a while my plans for a post are "post-poned" by something hitting the news. Once it was the kid they tazed for running across the baseball diamond (my title: "Taze the Kid?", May 5, 2010) ; another was prompted by a death penalty story (my title: "Scumbags and the Death Penalty", May 7, 2010).

Usually I refrain from posting on politics to my blog, leaving that to Facebook. I am a militant "centrist". The test I took on the Internet says I am 1 % to the right of dead-center; fiscal conservative, social moderate.

I posted to Facebook my indignation at NPR's ousting of Juan Williams for having the temerity to admit that a man in full Muslim garb at an airport made him uneasy, and, ironically, later I posted a mild rant at the Republicans for voting to defund NPR.

This week's news story is Congressman Anthony Weiner, who just resigned in disgrace, amid indignant demands that he leave. The Republicans, noting the media was after the other side's guy for a change, were rather silent. It was his fellow Democrats who insisted he go.

The "social media" element to the Weiner story makes it relevant to several of my blog postings on that subject. Do NOT post or mail anything you would not want your spouse, mother, or minister to read.

(Note; in an ironic post script to this post, Andrew Brightbart, the fellow who orchestrated the demise of Andrew Weiner just dropped dead of a heart Attack. To my knowledge, Andrew Weiner is still alive. Brightbart was full of bile. Maybe that's what got him.)

I didn't like the guy. Didn't like his looks, mannerism, or attitude. As smart as he was, his initial announcement that he was hacked caused the hair to raise on my neck. His arrogance grated, his lies offended, and his insecurity, tackiness, and deceitfulness were plastered all over cable news.

I was ready for him to resign earlier than most, and I have no doubt that we would have heard even worse if he had stayed.

Then I listened to some callers to an NPR talk show. There were those who found nothing that bad about his lying. I disagreed. Bald-faced lying to his constituents, the media, the country! It was clearly a character flaw. Another guy, rather candidly, complained that he did not keep his sexual silliness private. He seemed not to care that what the fellow did was immoral and violative of his marital vows. He just did not want

to hear about it. I had to agree.

Finally, a fellow called in to suggest forgiveness and redemption. His theory. Weiner is still young, impetuous, and full of himself, which is why he managed to get himself elected. His electorate pretty much knew that when they chose him. The condemnation and humiliation is powerful. He would have to work long and hard to redeem himself. He has lots of potential. He is likely to be on his best behavior for a long time.

That caused me to remember the biggest sex scandal I can recall in American History. Alexander Hamilton, model family man, beautiful and wonderful wife to whom he was devoted, and loving father, got involved with a 20 year old married woman. They had a steamy affair.

In a contrived situation, her forty year old husband burst in on them. He was so shocked and mortified that only money could make it better. Thus Hamilton remained encoiled with these people for a rather long time. He would succumb to her, the husband would be more enraged, and more money changed hands. A political enemy leaked the news, and the press was on it, in the colonial version of CNN, FOX and the National Inquirer.

Hamilton had behaved no better during his crisis than Weiner did, although if his name had been Alexander **Weiner**, our country might have been much different. In fact, he wrote long, detailed account of the events for publication in the New York City newspapers. His primary focus was to show he used no public funds to pay off his blackmailers. Hmmm? Sounds like John Edwards.

Hamilton's wife was mortified and humiliated, but stayed with him and lived until right before the U.S. Civil War. She would pull out to visitors a brace of flintlocks, personal gift to her husband by George Washington.

My colleague Pete Conley posted to Facebook his retort to my praise of Hamilton that he "probably wasn't in the top ten", and I promised a note in response. I guess this is it.

If Ron Chernow, author of Hamilton, is to be believed, Washington ranked Alexander Hamilton in the top three of all the founding fathers. He was the strong right arm of the Father of Our Country.

History so far has been much kinder to Jefferson, Washington, and Adams than to Hamilton. I suggest Hamilton's tendency to "know it all", his obsessive personality, and this scandal, contributed to this. In that way, Hamilton was a "wiener".

I also suggest that among our founding fathers Hamilton was second only to George Washington. Washington was the man of greater character. Hamilton came to America at age 13 from a Caribbean island, son of a single mother and absent Scottish father (a la Barack). He had only a couple of letters of reference to help him, but he managed to get a fine education.

He caught Washington's eye early in the Revolutionary War as a young, courageous artillery officer. The young army was a rabble, but Hamilton had great courage and flair. He became Washington's personal secretary, writing most of his dispatches, orders, and letters throughout the war. He had a great flair for writing.

Hamilton almost single handedly got the U.S. Constitution ratified by the N.Y. Legislature. Without New York, it could never have become our Constitution. He worked round the clock and virtually willed the approval to happen.

He wrote over 60 % of the Federalist Papers, which are readable as the foundation of our political

system even today.

He read voraciously in politics, economics, and banking, and invented the American Banking system.

When he and Washington parted, after many years, neither man was as effective apart as together. Chernow paints a picture of a complex, driven, indefatigable, flawed genius. I sensed the bio was pretty accurate, which helps explain why so many people disliked him.

And, he died from a bullet from Aaron Burr's gun. He intentionally shot into the ground; Burr shot to kill.

Weiner also is "a wiener". He certainly is not a Hamilton, but now we probably won't know what he could have been. They say perhaps Mayor of New York City? It is ironic that he might have been a terrible mayor, a scandal waiting to happen, if this scandal had not happened.

But, what would he have become? He would have been sadder but wiser, having gone through this humiliating experience. Certainly, the net value of Hamilton's services to his country is nearly incalculable, in spite of his scandal.

I am reading another book, on Kindle, "The Clockwork Universe" by Edward Dolnick. What a terrific summary of the progress of the human mind through the Age of Enlightenment. Copernicus, Descartes, Newton, Leibniz, Spinoza, a small core of brilliance; hundreds, not thousands, of superlative thinkers, similar to the outpouring of thought during the Classic era of Greece. Surprisingly, we learn that no truly great discovery comes from one person, in fact, time after time, when "the time is right", the original ideas spring from more than one mind; thus Sir Isaac Newton, and Gottlieb Libniz invent "the calculus" and Wallace and Darwin discover evolution, and Watson and Crick and so many others regarding DNA and RNA.

The truly brilliant thinkers are so few among our population. Yet, the chance they will also be "nice guys" is slim to none. To chart truly new paths, these fellows had to be single minded to an obsessive level. And, the egos were often huge. Darwin's, not so much, but Newton's? No wonder he could master the concept of infinity! His ego and selfish approach were huge. He worked hard to destroy his main rival Gottfried Libniz, whose version of calculus actually caught on and spread much better than Newton's.

I have no idea how smart Weiner is. He didn't appear to be that bright last week as he dug his own political grave. He is a bundle of energy and ambition, and they say he is bright. Politically, I do not know much about him except that yelling rant on the floor of congress and the fact he is much too liberal for my tastes.

When my friends and acquaintances screw up, showing up in the paper for various foibles, dui arrests, troubles in their profession or family, **I try to drop them a note, not to approve of their mistake, but to remind them that someone knows they are still human beings, caring about them.** Weiner's revelations were pretty hard to take last week. His friends, or those he considered friends, lay pretty low.

This country is not very grown up when it comes to sex. And we do not handle racial issues that well either. I doubt anyone can justify the amount of media time and attention Andrew Weiner's story took up. **Perhaps the fellow suggesting that we give him a second chance, a chance to redeem himself, was not that far off base.**

Not The Normal Personal Injury Blah Blah (2011-06-10 20:47)

(Note: February 10, 2012. J.B.H. This post is not nearly as self serving as the title implies. It describes my early experiences with personal injury law as a spring board for an explanation of our tort law system in WV. Our system is based on a fundamental value that we should be responsible for our mistakes, our reckless behavior, and our intentional wrongdoing. George W. Bush would have had us believe that asking for recompense from an "at fault party" is somehow un-American. The documentary "Hot Coffee" helps thoroughly to debunk that myth by dissecting the infamous "McDonald Coffee Case" and the elderly woman, maimed for life, who filed that claim.)

Now I am back to my theme: a series of posts describing the training and experience which allows me to represent the victims of serious injury effectively.

I am pleased that some of my clients have applied the "bulldog" label to me. It probably suits me.

But, how did I get here, and how have I come to represent hundreds of victims of accidental injury? The answer to that story should be reassuring to someone seeking a reliable and competent personal injury lawyer.

My law school torts professor, Tom Cady, who is still there, is a very entertaining fellow. A "tort" is an injury caused by one person upon another. Professor Cady made the course very interesting. I wish that were so in all my classes. He used humor and irony to make his points.

Back then WV had "contributory negligence", which was supposed to mean that if the injured party had even one per cent (1 %) of the fault, he/she was barred from recovery. This harsh rule led to myriad exceptions, which we were forced to learn if we wanted to pass.

I learned that juries ignore contributory negligence and apply their common sense, when I lost my first "mock trial" in law school even though the injured victim had also been negligent.

Of course, just a few years out of law school, they completely changed the rule! They have been doing that ever since, changing the law just when I get comfortable with it.

Now WV has "comparative fault", which has two components:

1. Victims who are 50 % or more at fault cannot recover; and,
2. If the jury determines the claimant was partially at fault, say 35 %, she/he can collect only 65 % of the proven damages.

Simple, right? The devil is in the details.

The source of the law in WV is:

- a. **The Common Law,** which came to us from England, and which we shared with the state of Va. un-

til 1863;

b. Statutes, which are written and passed by our legislatures, state and federal; and,

c. Case law, which comes from appellate courts, also state and federal. The highest court is the U.S. Supreme Court. WV's highest court is the WV Supreme Court of Appeals.

d. Common Sense? Sometimes.

I learned from one such early reported case, the "thin skull theory", which I have since used to collect hundreds of thousands of dollars for my clients. In the facts of that case, a fellow struck another on the head with an object, perhaps a book, in jest. Which of us hasn't done something like that to another classmate?

He expected to stun or startle him, but the congenitally thin skull collapsed, killing the victim. This was good for the person doing the striking since by English Common Law damages for wrongful death were grossly limited. It would have been much more expensive to reimburse a brain-injured person for life.

The appellate court ruled that the injury was "foreseeable" since a certain percentage of the population will have "thin skulls". In other words, many people have greater than average susceptibility to injury. The tortfeasor (a tort is an injury) takes his victim as he finds him.

Insurance adjusters love "pre-existing injury", or conditions, because they argue that a previous injury to a neck means that the more recent collision was not the cause of the claimant's pain; the first injury was.

Dealing with pre-existing injury is child's play. Just disclose it early, show your client has not been treated for that injury in several years, and argue that it is the seriousness of the first injury that makes the client's claim for serious pain and suffering more believable. I have found that I get more money for the client with pre-existing injury.

If the client has been treating for the prior condition, it is imperative that her treating physician render an opinion to "a reasonable degree of medical certainty" that the recent event exacerbated the condition and created a new injury.

Even then, while the insurance company may hire its own doctor to opine that the symptoms are from the first injury, **I argue that the client was more susceptible to injury.**

I still settle most of those cases.

For my next post, I shall discuss the foundation upon which I created a busy personal injury law practice, starting with four years of service as a U.S. Air Force assistant judge advocate, USAF-JAG.

Disposing of 5000 Closed Client Files (2011-06-02 23:29)

As promised, I have two articles in draft on the continuing subject of my personal injury practice. I keep thinking of key events that helped me to understand how to represent individuals injured by the fault of

another. You do not just walk out of law school understanding this stuff!

Today I am at the WV Association for Justice (Trial Lawyers) annual meeting and seminar. I could not have maintained a busy personal injury and trial practice without our Association.

When I am here, I have plenty of time to think. The interruptions of e-mail make that less so, but I have learned to live with multi-tasking.

Today I figured out the next two BIG stages on the way to the goal of having a paperless office. I think I have a good solution for small firm lawyers who have decades of files "in the back room" and have begun to wonder "what if".

Our office no longer needs to save voluminous paper files. My 5000 closed files, stored on our second floor, will soon be confetti. It will take longer for files younger than ten years, and for my active cases, but I will get there.

I intend to do 1000/day for a total of no more than five days, three if I am lucky. We will need to notify clients in advance that we will close those days and hope they will understand. My staff of four will be running all day, and we need two pair of strong, young, legs, and two extra helpers on the scanners. The nine of us will be a buzz saw.

I will also need the large box from the paper disposal company.

We will set up all 7 of our Fujitsu ScansSnap scanners, and perhaps bring in a couple of "guest scanners". Assuming at least 5 are running throughout the work day, that equals 100 double sided sheets a minute! This is not a job for our Toshiba Studio 2300. It is a battleship. The ScanSnaps are destroyers, or PT boats. (After careful thought, and some bargaining, I decided we will lease a battleship for at least a few more years. It is a steady, powerful center for our hi tech office. The ScanSnap scanners have taken an important place in our office.)

I will strip each file of its essential 10-15 pages for everything older than ten years. The strong legs will carry each banker box downstairs and strip the metal fasteners and paper clips. They will dispose of everything as we go.

As I strip each file, my memory will be assailed with the people and events of a long career. But, the clients and their families are entitled to confidentiality. Fully outdated materials will simply be shredded.

I will publish ads in Upshur and surrounding counties, offering to return files to any former clients. I suspect few will respond.

We will develop a "rule of thumb" of how much we must save of the last ten years' files, per State Bar Guidelines. Much of that is digital already, so it will not be as much as you might think.

The other phase is going to take guts. We already scan everything that come through the door. We just need to learn to drop the paper into that box, which will be removed by the disposal company each month.

My sense of freedom is already growing. Now, what shall I do with 30 years' worth of office equipment and our adult children's stuff?

And, NO I AM NOT retiring, not for 10-15 years, and not when I am starting to get the hang of this stuff.

Why Should I Retain Burton Hunter For My Personal Injury Claim? (2011-06-01 21:06)



[1]

Retain Burt Hunter for my car accident claim? This is a fair question to ask, but it is really two questions:

- 1. Why can't I just handle my own claim?**
- 2. Why select Burton Hunter** instead of one of the many other lawyers competing for my attention.

As for question # 1, even a "routine rear end collision" creates many tasks and issues to be resolved.

These tasks include analyzing the various insurance coverages, communicating with your own carrier and the other guy's, getting your bills paid, obtaining a rental car, locating and interviewing key potential witnesses, collecting your medical records and bills, getting key photos of the vehicles and the scene before evidence is lost; and doing at least a fundamental accident reconstruction. All of these tasks, and many more, must be considered in order to **SETTLE THE CASE WITHOUT A LAWSUIT!**

Many people do not go straight to an attorney because they do not even know these tasks exist. They do not want to file a lawsuit, which they mistakenly think the lawyer will do, and they would rather not have to share a percentage of the settlement with a lawyer.

I believe these reasons are fallacious.

A good lawyer should be able to settle your claim for 50 %-100 % more than you can, WITHOUT filing suit, without filing suit. Thus, the net to you, even with a lawyer, is more, and you get it sooner.

Each claim has 10-20 components, which your lawyer and the adjustor know about, but which you probably do not. There is simply more work to putting together a claim, especially if there are multiple vehicles or issues, than you realize. And, even if you have been through such an experience before, the right lawyer has been through it hundreds of times.

The pace of the correspondence with the adjustor and doctor, the submission of "lay witness letters" from people who know you, the creation of a well-organized "demand package", with photos, visual aids, medical illustrations, vocational reports, forensic lost income projections, and other convincing features, can make a huge difference in the success of your claim.

Knowing how to prove that medical bills are "fair and reasonable", and the treatment reasonable and necessary, is critical.

And getting an expert to evaluate the cause(s) of the collision, to make a written diagnosis, to voice an opinion regarding permanency, to estimate the costs of future medical treatment, and to opine whether surgery will be required after settlement, are **often keys to success.**

Knowing how to present evidence of pain and suffering, mental anguish (psychic pain), temporary and permanent impairment, disfigurement, loss of enjoyment of life, and loss of consortium of your spouse is fundamental to presenting a claim effectively.

So, assuming I convinced you that any claim involving a significant injury should be handled by your attorney, how do you select an attorney?

In family law word-of-mouth is a powerful source of work for a good lawyer. There are more divorce cases than personal injury cases, and boy do people talk about impending divorce and custody cases.

People are much more likely to go to a total stranger for a personal injury than for a divorce.

People are quieter about their personal injury claims. They do not want to sound like a whiner and they do not want people knowing about their financial woes.

Look at the Yellow Pages, and you will see the obvious. There is just much more money available for attorneys who advertise their prowess in personal injury matters, and clients tend to go to the lawyers they see most often.

If you pick your lawyer from television ads, you can select a tiger, a bulldog, lawyers who are experienced, lawyers who intimidate insurance adjustors, lawyers who demonize the insurance adjustors, lawyers who are cute, lawyers who are tough, or lawyers who have been designated "super" by a lawyers magazine, all of whom appear to be studiously sincere. Some are, some are not. How can you tell the difference?

My next blog will discuss my development as a personal injury and trial attorney, and some of my "milestones" and experiences. I hope it will convince you that I am "the real deal" for many types of cases and "a bulldog" when necessary.

1. <http://hunterlawfirm.net/wp-content/uploads/2011/06/Burtphoto.02.20.2013.jpg>

12.8 May

What, a Week?! (2011-05-27 20:38)

What a week to be a lawyer. Knocked down, picked up, cussed out, uplifted, back and forth. Plan for a pleasant morning? Deal with half dozen crises. Feel like giving up. Several new clients call in rapid succession.

Feeling down, and even out, friends call, classmates post blog articles, wife sends a thoughtful note, cousins write to boost my spirits. It was an emotional roller coaster without a doubt, but the sun, having hidden all day, just poked out. Hope it is a good omen.

Happy Memorial Day Week-end. Good thoughts for those who no longer are here.

12.9 April

Disingenuous Lawyers (2011-04-27 21:13)

Merriam Webster Online Dictionary defines:

***dis·in·gen·u·ous*, as:**

adj ,dis-in-'jen-yə-wəs, -yü-əs-

: lacking in candor; also : giving a false appearance of simple FRANKNESS : CALCULATING

I like the word "disingenuous". When I use it, I mean exactly what I say. I use it when another person, often a colleague, is saying one thing but meaning something much different. It is so much more civilized than "liar", but it is not morally different. (See my related article "Short-sighted Lawyers", Sat., July 31, 2010.)

Let me give one simple example. We have something in civil litigation, including Family Court, called "the rules of discovery". They can be questions under oath, called interrogatories, requests for admission, request to inspect or copy something, or even be a deposition taken in front of a court reporter. Depositions are often

video'd.

In family and circuit court the parties are mandated to disclose witnesses and exhibits by a certain deadline, but discovery usually must be answered within 20 days. I like to fire out discovery requests quickly, so I can know what the other side knows as early as possible and follow up as necessary.

The Court expects us to file and answer discovery requests timely because we are supposed to complete discovery BEFORE the final deadline for disclosing witnesses and exhibits. And, we are expected to be prepared for mediation and various hearings. That means each side needs information from the other.

I also refer you to my May 4th blog article, "Something Constructive, How to Organize Your Case." Not every lawyer follows this format which I "borrowed" from the Casesoft company, now owned by Lexis/Nexis, but most of us should be gathering information from the client as soon as we meet them. That means we know of potential witnesses and exhibits **as soon as we meet our clients!**

Therefore, I believe it is DISINGENUOUS for a lawyer to prepare for a client answers to interrogatories served on her client requesting names of potential witnesses and exhibits that say, in effect, "I will not tell you of even one person I know of who knows anything about this case or list one document even if I know it is a key piece of evidence."

What they actually say is, "The case is still being investigated and potential witnesses and exhibits have not yet been identified but will be identified by the Court Ordered disclosure date."

I say, "Tell me what you have now!" And, I insist my client answer the questions propounded unless they ask for confidential or privileged information. It is "the rule", and it helps me be better prepared.

The disingenuous part, of course, is that unless the lawyer is as incompetent as she is seedy, she already knows most of her potential witnesses and exhibits and is not telling the truth!

A variant of this behavior is the person who refuses to call his bank, insurance company, personnel officer, or Social Security Office to get information readily available, fills out an incomplete financial affidavit, or simply refuses to answer because the question is "unduly burdensome".

Some questions are unduly burdensome such as requests requiring hundreds or thousands of photocopies. **Most questions in a simple divorce are simply NOT unduly burdensome.** Lawyers who fail to require their clients to gather this information are doing them a disservice. They ultimately cost them more money and they assure the parties do not have the information they need when they go to mediation.

Mediation may be months before the scheduled trial, and failing to gather and disclose evidence by then may cost the client thousands of dollars in unnecessary litigation costs.

Yes, there are cases where later disclosure of a known witness can give the person an advantage. The disingenuous lawyer will argue that hiding the ball, delay tactics, and refusing to disclose obtainable information are all "part of the game". For some they are. But, remember, hire a crooked lawyer, and she/he will also be disingenuous with you.

Especially in Family Court, honesty, candor, promptness, and diligence produce the best results. They lay a foundation for the majority of divorcing parties to be able to work together for the sake of their children. Cheating and lying create a terrible foundation; also, in Circuit Court in civil cases. Sometimes in criminal cases it seems that EVERYONE is hiding the ball. I do not go there much any more. Being a defense

lawyer is a delicate balancing act, and being a prosecutor is a big responsibility with its own temptations to "hide the ball". Remember the Duke lacrosse team!

There will always be people who lie and "hide the ball", but I do not think the best members of our profession do.

So, what is the fuss? It is that lawyers have a bad enough reputation already. It is behavior like this that feeds the stereotype that lawyers will do and say whatever they can to promote their clients' interests.

A lawyer who refuses to make a timely disclosure, choosing one deadline over the other, who hides the ball and provides incomplete answers is **"gaming the system"**, just like the pitcher who "juices the ball", the soccer player who grabs the other players shirt, or the player who takes steroids.

Each time a lawyer does these things to me, I shall be sending them a copy of this article. And, I will not forget who they are.

2011 Annual Meeting of WV State Bar (2011-04-18 19:13)



[1]

Charleston WV Embassy Suites Hotel

Dear Colleagues; WV State Bar Annual Meeting

(This stuff was interesting to me, but no one will be criticized for moving on to the next post. But, if you are a bit guilty that you missed the Annual Meeting, this will bring you up to date. j.b.h. 3-4-2012)

It will be hard to make this note of enough general interest to post to my blog, or short enough for 1276

more than 10 % of you to read it, but here goes:

1. **I have not received notice of any complaints back from judges or colleagues in response to my "Letter to the Judges" which I sent out a couple weeks ago** to 15 family court judges and 20 family law practitioners. I attach that letter, now a blog article, and my preceding blog article. They will be of interest more to family law lawyers. I feel strongly that we can do better in administering justice to family court litigants.

2. **No judges have responded, but a few colleagues have.** My favorite written response to my concern I would be out of favor with "the powers that be":

Mirrors are often uncomfortable, but they are always accurate.

I don't foresee any sanctions in your future.

Maybe fewer Christmas cards.

3. **My next two blog articles will be; a. the interrelationship of the family court system and mental health professionals; and b. succeeding in negotiations when you are holding very few trump cards.**

4. **Tonight I shall write about the WV State Bar Annual Meeting, Friday April 15-Sat April 16, 2011:**

5. **Peter Kalis, Global Managing Partner of K & L Gates, NYC, "Law Practice in the 21st Century: The More Things Change...."** ; a Warwood (Wheeling) boy who made good. He is managing partner of the 7th largest law firm in U.S., 12th in the world, with annual billings of a BILLION dollars. Some of our colleagues felt this talk about the evolution of "the law industry" had no relevance to WV. I respectfully disagree. WV is trying to survive and thrive in the global economy. The disappearance of national boundaries and rapid changes in the practice of law, for cities as nearby as Pittsburgh are very interesting.

6. **Mr. Kalis tried to refute assertions (That I first found in a book titled "The End of Lawyers", Richard Susskind, Oxford Univ. Press) that legal services are going to become mere commodities** and that legal training should be more like "vocational He stood up for "old fashioned" standards based on a long history of lawyering. Remember, Cicero was a lawyer.

Cicero - Wikipedia, the free encyclopedia Marcus Tullius Cicero was a Roman philosopher, statesman, lawyer, political theorist, and Roman constitutionalist. He came from a wealthy municipal family ...

7. **Anyone who believes that the pressures of technology and globalization will not change lawyering everywhere, is whistling in the dark.**

8. **Barry Richard, Greenburg and Praurig, P.A., Tallahassee Fla. had a marvelous presentation titled, "Security, Pseudo-Patriotism, and the Erosion of American Liberties."** It was a reminder that our country has frequently fallen short of our ideals of freedom and liberty, in particular the Patriot Act.

9. **Mr. Richards played the obligatory video clips of George W. Bush answering the questions during the Ashcroft controversy and of the internment of the Japanese at Pearl Harbor.** My favorite part of his talk was the quotation of Alexander Hamilton from the The Federalist Papers predicting that a country based on freedom, when challenged from the outside, will have a strong tendency to squelch the

rights of the individual in order to protect itself.

10. What I decided from Barry's *one sided* presentation is that it is now time to commence the mature discussion of the balance of freedom (of speech, the right to bear arms, the right to have a jury, and many other rights) and our national security. The zealots on each side of this question ignore the obvious truths in the other sides' positions.

11. F. Paul Bland, Jr.; Chaves & Gertier, Wash, D.C.; "The Evolving Law of Challenges to Mandatory Arbitration Clauses". Catchy huh? The truth is this guy is witty, passionate, highly intelligent, a family man, a friend of Harry Deitzer (which is probably how we got him), and eloquent in explaining how to win cases by starting by crushing the smallest "nested Russian egg" and working your way up. In other words, read these arbitration clauses and attack the worst of them

12. Mr. Bland explained to his 8 year old son that he was like the big cat who waited for the herd to go by and took down the weakest, a form of Darwinism. The weakest clauses are the most outrageous and unfair mandatory arbitration clauses, the ones that violate contract law, deprive the consumer of his basic rights, and reserve to the company the right to make retroactive changes to the contract. In that sense, he explained to his son he is a predator. His son didn't quite understand, but of course, in a real sense he is. Many trial attorneys are. **This practical approach to analyzing and attacking mandatory arbitration clauses made great sense.**

13. Former Congressman Allan Mollohan was our luncheon speaker. I was prepared for the "we all need to do pro bono work" speech, and he certainly made the point that things are bleak for low income litigants in WV, meager interest from our IOLTA accounts and limitations in funding. Then something struck me during his talk: You cannot, by talking to a room of lawyers, most with plenty of grey in their hair who do not even practice the kind of law that would help most low income people, fix the problem of underfunded Legal Aid. Funding for all discretionary spending is in danger. Even W.I.C. (women, infants, and children) is taking a hit, and PBS may lose all funding, as may Planned Parenthood. Not a great time to ask for more money for low income litigants.

14. So, I introduced myself to Allan Mollohan, whose father played the key role in my acceptance into the U.S. Air Force JAG Corps, over 40 years ago. I asked if he learned how Great Britain had managed to stop the horrible mortality rate of prisoners being transported in ships from England to Australia. He confessed he did not. I explained that training would not work, exhortations would not work, and that the captains were allowed to keep any food and stores left over from the voyage. The (not so) obvious solution was that they began paying the Captains only for the prisoners who could walk off the ships at the end of the voyage. The problem was promptly solved.

15. As my wife reminds me when I get frustrated, people are motivated by self interest. So, I urged him, and Anita Casey, our worthy executive director to figure out some ways to let the young, hungry, (and not so young) lawyers of WV can be motivated by being able to MAKE SOME MONEY at family law, which includes domestic violence, divorce, custody fights, child support, modifications, and the like.

16. I will write a blog article on this subject, but if mediation were mandatory in all cases, had to cover all issues, used only lawyer mediators, let lawyers charge \$500- \$1000 to be consultants for divorcing people, and other innovations, with proper training and support, lawyers could do divorces for \$500- \$2500 in the majority of cases. Having gushed all over him, I wandered away, leaving a puzzled former congressman to try to figure out what the hell had just happened.

17. The next two sessions were, of course, my favorite; really nerdy stuff, but the absolute

bedrock of practicing law in the 21st century. We can pretend that globalization does not affect Beckley, Buckhannon, or Wheeling, although of course it does, but we cannot pretend that we don't have to cut down on the paper, increase the speed and accuracy of our communication, and streamline our ability to assemble documents.

18. These subjects were covered by two presentations of Barron Henley of HMU Consulting, Columbus Ohio. I have listened to something like two dozen hours of Barron and his partners' presentations. I have purchased the ScanSnap scanners he recommends, had his associate Brian Cluxton to my office to evaluate my systems, hired HMU to host my Wondows Outlook, had them put together the specs of my new Dell Computer, and become something close to a "disciple" of HMU's teachings.

19, Barron's first hour, "Tools and Techniques for Negotiating and Revising Electronic Documents" covered the ins and outs of exchanging documents in a collaborative way, making corrections, tracking the changes, and comparing those changes to earlier documents. He mentioned the word "meta-data" and several of the grey heads in the back of the room slumped over. Meta-data, meta-data, meta-data; see how it makes you want to snooze. If you think of it as a way to avoid a month of mailing and faxing, a way of getting documents finished, accurately, signed by the clients, and signed and approved by the Court, I think you will perk right up; that's right, because it means MONEY to the lawyers and savings to the client.

A few tips:

a. You can send a document that the other side can change but ONLY if you approve it.

b. You can send a colleague a huge document by asking him if he wants it, and if he says yes, letting him download it instead of exceeding the limits of your e-mail server.

c. You can attach balloon comments, color coded typewritten tracked changes, even audio notes to your staff, in order to facilitate editing.

d. I have heard Barron's second hour, "Ten Ways to Make Your Practice More Enjoyable", 3-4 times and still learned many new things.

e. You can save a document to "the cloud" using DropBox and have it on a folder on ALL of your computers, i pads, etc.

f. You can save hundreds, or thousands of dollars by buying the right equipment, software, from the right companies; the one page Barron has of his purchasing and review services is worth the price of the seminar.

20. Barron knows a secret; none of us has a clue as to what makes Microsoft Word work, or how to make it more efficient; he was so convincing, I pulled out his Word Manual from the 2009 State Bar Meeting Seminar and am re-reading. Train your staff on Word 2007 or 2010 and you will never regret it.

21.The written material mentioned HotDocs; Barron is a wizard at this document assembly program; it is powerful. I have NOT been able to master it, which means everything to me, so I add my plug, yet again for Pathagoras. This program uses Word documents, no proprietary formats; just simple questionnaires and dropdown lists. I offer to any of you several dozen "Pathagorized " forms . All I ask is you send some of yours back when you make them.

22. Pathogoras is available as a free 90 day downlaod at www.Pathogoras.com. I dare you to try it.

23. If you prefer the better known HotDocs, Barron is the guy who knows how to make it sing. **My guess is, if there are 20 lawyers or more, Hotdocs; 19 or less, Pathogoras.** This is my sense. I have no idea if Barron, Roy Lazris of Pathogoras, or Lexis/Nexis agrees with me.

24. **Barron strongly recommends a second, and even third monitor. I do too. And that monitor should be able to move from horizontal to vertical.** It is SOOO easy to read a docuent on a 22-27" monitor standing straight up. You can see the whole page.

25. **Barron recommended DropBox, and I do too. I took the 300 page seminar manual, copied it from my DVD drive to my Dropbox, and downloaded the PDF file to my I Pad,** where I could scroll through the pages, following the speakers, and move ahead when I got bored. It was so much fun, I FORGOT TO FALL ASLEEP!

26. **By far the bravest speaker of the day was Joseph "Jay" H. Aughtman of Fischer, Goldsich, and Aughtman, LLC of Birmingham, Ala. "Rule 23 & CAFA Update".** I say brave because I thought Rule 23 was a disclosure rule and CAFA as EPA Rule restrictions; nope, he was talking about class actions!

27. **When he asked how many of our members practiced in this area, two or three hands fluttered.** We were approaching the cocktail hour. When he solicited questions, there were none. I was checking my Facebook. So, this guy cut to the quick, told us what we needed to know, was obviously poised and smart, and got off the stage, having done his solemn duty, even sending us greetings from his state association. What I learned was Alabama is not the place to file a class action, the new law is not that impossible, and it really narrows the focus which increases predictability.

28,. **I admit, when they changed Christina Steinbeckter, of Fastcase, Washington DC's topic to "boolian logic" I was "out of there"** for , a martini, and raw oysters, and Mahi Mahi at the Tidewater, but it was an uplifting day.

29. **Once I heard her talk the next day, I was VERY sad I missed her first talk. There is a lot of power in boolian logic,** and when I had trouble following the basis course, I knew I had missed out by not learning the advanced. Fortunately Fastcase has frequent webinars available, for every member of the WV Bar! An impressive feature of Fastcase is its graphical relevance and timeline chart. The cases most likely to be on point jump out by the size and position of the circle representing that case.

30. **Saturday Morning started very strong, with Thomas J. Hurney, Jackson Kelly, PLLC, "Telling the Story in The Closing Argument".** Yes, as a long time member of WVTLA/WVAJ I have heard much of this before, but the 20 % I had not heard was worth the price of admission. And, recent, important, case law needs to be reviewed by all of us. Excellent reminder that if you are going to trash the other side's expert or lawyer, you had BETTER have torn them up well in your cross examination, and your assertions had better be supported by identifiable evidence. If not, you are likely to lose on appeal. For me, this presentation was a "sleeper" which made me glad I got up on time.

31. **William Hinerman, Unit Chief IC3, Federal Bureau of Investigation, Fairmont, WV, gave a fascinating and enlightening summary of his work monitoring nationally and world wide internet crime and scams.** I knew of much of this in general, but founds the specifics to be very troubling; yet another part of the 40 % of bad that comes with the 60 % good coming out of the Internet Revolution.

32. The only downer to this seminar was, where are the young and younger lawyers, and why is attendance around one per cent (1 %) of the 8000 WV lawyers???

33. Full disclosure; for 20+ years, I missed the majority of the annual meetings. The Trial Lawyers met in Feb and June, but the State Bar met at THE GREEBRIAR (which I could NOT afford) during our youth soccer travelling season. Buckhannon lawyer, Bob Wallace, was a State Bar President several years ago, but that is not likely for Buckhannon in the foreseeable future.

34. I fear that something is now missing from the body of lawyers in WV; not certain individuals who are doing marvelous things for clients, family and community. The missing element is a shared sense of professional responsibility, to the profession, not just ourselves or even our clients. We seem to be lacking a sense of responsibility to the profession itself, to our need to be current in our learning and our need to connect with one another and share ideas and values.

35. The grey heads moved out of the room, heads shaking with puzzlement at Barron's tips and teachings. The younger lawyers, and I not so young, were saying WOW!

I learned a great deal last week-end and am glad to have reproduced some of it here.

1. <http://hunterlawfirm.net/wp-content/uploads/2011/04/exterior-of-the-hotel.jpg>

Dear Honorable (Family Court) Judges (2011-04-05 22:25)

(Some Thoughts On Enhancing Justice in WV Family Courts)

Dear Honorable Judges;

Thank you for your insightful presentation at the National Business Institute seminar, "What Family Court Judges Want You to Know", on April 1, 2011. I found myself comparing your approaches to those of the Family Court Judges in North Central WV, Upshur County and surrounding counties. I received interesting ideas that can benefit us all.

As you each know, when I got your seminar brochure, **I had just posted an article to my blog, www.burtonhunteresq.blogspot.com, in which I grappled with what I perceive to be a lack of communication and rapport between lawyers and judges;** (Or, at least between THIS lawyer and judges.).

I sent a copy to each of you and sincerely appreciate your reading it and addressing some of my concerns. I am sending this letter and that article to my local judges, and some of my colleagues who practice here. I wish we all could have attended your seminar.

As I listened to you, I discovered some commonalities. The family court judges I know are uniformly compassionate, committed to providing a just result, intelligent, and usually witty. I sense various levels

of fatigue, somewhat related to years of service and workload. I don't think I know a judge who has worked in family law longer than my 38 years. I am not tired yet, just frustrated.

All of us are dealing with the fragmentation of our society. You mentioned the disturbing trend of more young men/fathers who have never held down a steady job, and of young women/mothers who have become dependent on drugs.

And, the "remedy of choice" seems to be the domestic violence statute. "If the only tool you have is a hammer, every problem looks like a nail."

On Friday, I hesitated to ask your percentage of self-represented parties, but I am guessing it is at least 70 %.

I have criticized our WV Supreme Court of Appeals for what I perceive to be "caving in" to this trend of self-representation by helping create the appearance that "do it yourself forms" can allow self-represented parties to navigate the family court system on their own. That appearance is false.

Our profession can do a better job helping WV citizens protect their families. The "ghostwriting" memo is a perfect example of the prevailing attitude of "the powers that be". Lawyers and potential clients need help, not artificial obstructions. Before lawyers link their name to an unrepresented party's case, most will opt to do nothing for them! And, why should Legal Aid be permitted and encouraged to do so, but the private bar penalized?

I perceive that clerks and court representatives are not stressing to parties the dire need that they be represented by competent counsel.

I also perceive that no one provides these folks copies of the Family Court Rules, Overlap Rules, Spousal Support Statutes, Relocation Statute, Caretaking Functions Statute, or any of the enumerable rules and laws that govern their cases. We expect very little of self-represented parties and are seldom disappointed.

I realize that **each family court judge relies on tools that work for him or her.** These include:

- a. **Wise bailiffs** who can do a lot more than keep order;
- b. **Providing lawyers copies of cd's of hearings, "while you wait";**
- c. **A case coordinator who can provide "poor man's mediation"** of up to an hour per case;
- d. **Conferences between the Court and counsel** (Not my favorite, since any client getting bad news smells a conspiracy);
- e. **Hefty assessment of fines, and judicious use of incarceration** for chronic acts of contempt;
- f. **Robust awards of attorney fees** in appropriate cases;
- g. **Strong focus on the eight exceptions to the Caretaking Functions Statute;**

h. Frequent use of urine tests, with stronger responses to meth and other hard drugs than to positive tests for marijuana; this was tempered by what I considered a wise observation that smoking pot is not only illegal, but it requires the serious crime of transfer of marijuana, with the inherent risks of violence to the user and his children, and criminal prosecution.

i. Your use of mediation is MUCH less than what I am used to. Here, parties are hardly ever screened out of mediation, and represented parties are almost always accompanied by their attorneys. Most good family law lawyers have attended mediation training and know how to prepare for and participate in mediation.

j. In our part of the state, there is a strong corps/core of exceptional mediators. A combination of represented parties and any of these mediators almost always results in a negotiated settlement.

k. One of you suggested there be more professionalism by lawyers. I agree, but I was surprised to learn from a colleague that you generally do not mandate a strict litigation schedule, issue scheduling orders, penalize discovery violations, or require a timely exchange of exhibits and witnesses, with a summary of expected testimony and proposed equitable distribution spreadsheet;

l. I am used to family courts requiring all of these things. I cannot see how your attorneys can avoid "trial by ambush". If they do not have this information well in advance of trial, how can they mediate successfully "in the dark? Sorry, I should have asked you on Friday.

m. I heard much more about "children's issues" during your seminar than I am used to. Issues such as apportionment of debt, award of spousal support, and disposition of cars and houses, have direct impact on the children. I would never think of going to mediation without a plan to mediate and solve such issues. They are "children's issues".

n. I realize family courts are statutory, and I notice family court judges can have an inferiority complex or visible resentment about that fact, but I cannot agree with a judge who would not require counsel to take all issues to mediation and dare the attorney to take that issue up on appeal. What competent lawyer would appeal such a sound ruling?

o. I note that one or more of you actually trust the attorney to tell you if a case has a good chance of settlement through mediation. Many of my worst appearing cases have resulted in mediated settlements. I say send them, but leave it to the lawyers, parties, and the mediator as to what part will be "face to face".

p. On the other hand, I dislike the policy of certain local judges to compel me and my client to a "face to face" settlement meeting without a mediator, even when I put up a big fuss and ASSURE the court it is a bad idea. Not sure how your attorneys got so smart and how my 38 years count for so little, but I detest those mandatory face to face meetings more than words can say.

q. I need the mediator to provide the leverage I need, with my opponent, and with my client, to achieve a settlement. Without the mediator, I have to play "the bad guy". In one instance, I had to spend a great deal of time away from my client, who was afraid of the child's father. We achieved a settlement, but I got fired for "selling me out".

r. I note that at least one of you requires a psychological or psychiatric evaluation of a younger child before you will consider the presumption against their testimony to be rebutted. Since neither parent, at least at the temporary stage, should be able to take the child to a new doctor/counselor without

consent of the other parent, I was not sure how this could be accomplished. If by written motion, it seems the child might be ready for college before the parties have their trial!

s. At last count, I have encountered a dozen fatalities in my practice, 8 suicides and 4 homicides. I am anxious to avoid repeating the experience.

t. I am convinced that there is a better way to process these cases. In spite of good intentions, there is not enough innovation, not enough originality, and not enough communication, among judges, among counsel, and between judges and attorneys.

u. Most areas of our fine state have not yet developed the tradition of "full mediation" and many too many lawyers do not prepare their clients properly for mediation or attend mediation. Some even seem to enjoy picking apart or blowing up the mediated agreement afterward.

v. Some lawyers are not even available to the mediator or their client by phone during mediation, and some mediators ".....don't allow lawyers to come to my mediations!"

w. The author of that statement, at a recent annual conference, purported to be an attorney! What low regard she must have for her colleagues. Maybe she does not even know that some lawyers have worked hard to learn how to be a positive force in mediation.

x. A well prepared, well intentioned lawyer, in my opinion is "the mediator's friend:" and one of the most valuable resources she can have.

My conclusion is that I should appreciate our local family court judges more. Recent contact with the States of New York and Va. tells me that their citizens would consider our system to be "almost heaven".

Our local judges' requirements that we file our pretrial memos, adhere to tight scheduling orders, and mediate all issues, are sound rules, **and I commend these rules to judges in all parts of our state, even if it takes a few years to develop a cadre of terrific mediators, and mediating lawyers.**

Still, I learned much from your presentations and am glad I came.

Rigid application of "caretaking functions", while sometimes helpful and timesaving, has never seemed right to me. The best interests of the children should remain the "polar star" to guide us.

Using the talents most available to you, bailiffs, case coordinators, guardians ad litem (who can request drug screens), and conflict counselors, makes good sense.

Another tool, "The Overlap Rules" appears to me to be a dud. I have seen positive results from an overlap referral just once.

Punishment of parties who violate your orders, and of obstructive and incompetent counsel (which is normal for you) just is not done in our jurisdictions. My complaints against lawyers who don't do their orders, or habitually show up late, fall on deaf ears. Excellence is not rewarded, and mediocrity is not penalized.

Contrary to your comments, I have been told by more than one of our local judges that they have no power to incarcerate for contempt. I have never seen a family court incarcerate or fine, but may

regret that I presented these ideas as suggestions here.

Thank you again for your stimulating discussion. I will keep posting my thoughts to my blog and writing to colleagues, with the hope it will stimulate discussion, innovation, change, and communication.

I mean no disrespect in voicing these opinions, and I have renewed appreciation for the sincerity with which each of you is pursuing your quest that timely justice prevail in the State of WV.

Yours very truly,

J. Burton Hunter III

12.10 March

Lessons From Hatfields & McCoy - Perpetuating the Fight (2011-03-29 19:36)

Divorce negotiations, mediations, and trials are often influenced by people who are in the background, trying to help, or hurt, but usually causing trouble. The behavior of step-parents, significant others, family members, and friends can profoundly impact the welfare of children. (The original title to this post was "Step-Parents, Significant Others, and Well Meaning Idiots" If you ever have to play one of these roles, please consider what I have to say below. You can do some good or great harm. j.b.h. 3-4-2012)

These folks are often afflicted with a form of tribal insanity that adds to the chaos and dooms the negotiations to failure even when the parties emerge with an agreement. At other times, the only way the party can have a successful agreement is to "whip these people into shape".

This is a subject that deserves a book of its own, and has one in the form of " *The Happy Step Mothers* " by Rachel Katz. Her website is www.stepsforstepmothers.com. I listened to an interview of the author on National Public Radio. She and her callers made good sense. I haven't read that book yet, or visited her site, so the views herein are solely mine.

I am no psychologist or counselor, but I play one on TV.... I mean, I work with lots of mental health professionals and have formed an idea of what makes the good ones good. That is a subject for future posts. Below are some of my practical observations of this aspect of "the human comedy", and my suggestions of how improved behavior of the adults can help the children.

Let's start with the "significant other", who often becomes a step-parent. We all detest the classic predators/scavengers who are happy to become involved with a married person in an intact relationship. **They use sexual attraction, or the loneliness or unhappiness of the married person,** to engage in an affair that destroys the marriage and causes immense pain.

Truth is, such marriages are often in trouble already, but the paramour, who I call "the bimbo", commits a moral wrong that should earn him/her an especially warm spot in hell. These people seek out short term sexual pleasure, or financial security, to steal someone else's spouse, and "damn the consequences".

The "kissin cousin" to the overt paramour is the opportunist who comes along at the very end of a broken marriage, or arrives, for a sexual fling, shortly after the parties separate. These opportunists sometimes date the spouse who has been dumped or betrayed.

Of course, the betrayed spouse should say, "The children need me now, and I need to focus on them, my emotional health, and my sources of income". Instead, she often says to herself, "That bastard deserted me; I deserve some fun now too!" Now the children have two parents acting irresponsibly and risking intervention by the WVDHHR Department of Child Protective Services!

These opportunists and retaliators also commit wrongs, albeit more morally ambivalent than the spouse stealers.

The paramour's decision to have a short term, casual, sexual relationship with a vulnerable, or needy, married parent draws that parent away from the very things he or she should be focusing on.

These things include:

- a. Maintaining the delicate balance of a budget** that must now support separate households;
- b. Planning and negotiating the dissolution of the marital partnership,** and;
- c. Nurturing the shell shocked, traumatized, children.**

The people involved in extra-marital affairs engage in powerful rationalizations to justify unjustifiable behavior. A key element is often the demonization of the other spouse. "That bitch" drove him to his immoral behavior. "That abusive bastard deserved to be abandoned!", and, "All I did was be there when she needed me."

These excuses often have a grain of truth, but the children are almost always caught in the cross-fire.

Say what you will about "Dr. Laura" (Schlesinger), but she is "dead on right" the way she deals with people who engage in this irresponsible behavior. It is exactly the WRONG behavior for those people at that time. Very few people have the emotional and physical energy to start a new, meaningful, and potentially long term relationship when their world is falling down around them.

My advice to a client in such a situation is that having sex with someone new, regardless of the short term pleasures, **enrages and hurts the other parent** of your children. This happens at the very time when the client would benefit by their remaining calm and rational. I have seen such behavior lead to suicide and homicide.

I admit, sometimes it helps me get paid when the new "sugar daddy" or "sugar momma" arrives with "deep pockets. It helps my client pay me and meet basic expenses. They get what they want and pay for it.

Sadly, "the sugar person" may be someone who has loved the litigant for years, hoping they would become available. In those cases, I suspect that my client is using that other person for her/his own ends. I sometimes issue gentle warnings, but they go unheeded.

One valuable lesson taught at the court mandated "parenting education class" is that you should

not introduce your children to a "significant other" during the marriage or shortly after the breakup. How could there be more sensible advice? Children usually love each parent. Their lives are being turned upside down. They do not need more confusion and uncertainty.

The children are feeling rejected, and often Mommy or Daddy is telling them that the other parent has "abandoned us" and "does not love us any more".

More often than not, the offending parent reinforces those accusations by introducing the children to the person with whom he/she is replacing Mommy or Daddy.

These meetings with the significant other are often in the park, a restaurant, or during a picnic. The stunned children are expected to meet the "new mommy or daddy", form a bond, play with that person's children, and somehow accept it all.

When they get home, they must then endure the interrogation, and overhear the accusations of the offended parent, to friends, or family, or them.

My best advice is do not become involved in such relationships, but, if you do, please do not try to pull your children into that relationship too soon. If it becomes a stable relationship, think long and hard how to bring the children into it.

And, do not sneak around your estranged spouse. If she is "going to freak", then it is clearly too early.

In rare instances, but more likely if you have permitted a discrete amount of time to pass, you can introduce your spouse to this person and involve your spouse, and even a counselor, in a plan that puts the children first.

Do not be like the husband who recently attended parenting class with my client and announced to the whole class, "I will expose my children to anyone I damn well please!" He is lucky it is not a graded class!

I also suggest to my clients that they take stock of their whole life. If there are health or addiction issues, obesity, or depression, or severe financial stressors, tackle those problems as best you can. Do NOT overlay these problems with the challenge of a new relationship.

Dr. Laura speaks sternly to the woman who has never developed a "whole personality", but depended on "her man" to define her. She suggests, and I agree, that woman must learn to become an independent, assertive, mature, person with goals and passions of her own. "Settling" for the next warm body that comes along will not lead to happiness.

To my male clients, I add to this that a man must assess why he was not able to have a happy wife. Sure, it might have been "her fault", but usually there is a lot more to it.

The curse of "control" is usually present. A controlling person has great difficulty learning how to stop this behavior.

I have written blog articles, "Being a Good Husband", June 21, 2010, and "How to Be a Good Wife" July 6, 2010, based on my own 42 year marriage, and 3000 or so family law cases. The blessings of having a superlative spouse, or being one, are incalculable. There is a ripple effect, to your children, your

family and in laws, and those who follow.

There is also a ripple effect to parties and their families, who involve the children, introduce them to the significant other too soon, neglect the children, fail to communicate, and focus on themselves instead of the children.

I SUGGEST THAT YOU commit to putting the children first, in the highest and most mature sense. Learn how to be a good parent, especially if you have been lacking before. **DO NOT** attempt to control or punish the other parent. And stop the profane and obscene language! Learn this, and you may not even need a divorce!

DO NOT BE AFRAID to wait months, or years, before you are ready to integrate a new sexual partner into your family and life. Read books, check out the Web, and take it a day at a time. You will be glad you did. In the meantime, take care of yourself and your children.

Your life, and your children's, will be better for it.

Social Media Warnings, Family Law Parties (2011-03-14 00:23)

1. If you want a good result in your divorce, YOU MUST consider the Facebook/Social Media component. That is because your case can be grievously damaged, or helped, by the content of social media postings. Do not hand the other side ammunition to damage your reputation or challenge your fitness as a parent, or overlook his/her gifts to us. No, I have not forgotten that our "opponent" is your child's parent. We hope to negotiate a fair settlement, but we **KEEP OUR GUARD UP!**

2. The decision of how you conduct yourself in e-mail, texting, Facebook, Twitter, and the rest, must have one overriding principle: People who conduct themselves ethically, morally, and responsibly have an edge over those who do not.

3. Remember that your postings are not confidential. Just as your friends can betray you and gossip about you, your "Facebook Friends" may not be friends at all. If you are in litigation, or may be soon, assume that your Facebook, MySpace, Link'd In, and Twitter postings are being accessed by someone whose interests are different than yours.

4. If your spouse's lawyer can demonstrate your bad behavior, bad companions, or bad values, he/she will use this evidence to oppose what you want.

5. Assume that your search history is available to others; so, porn, especially child porn, drug abuse, casual alcohol abuse, your tattooed companion, that "great" karaoke party on the webcam, and the rest, can become evidence at trial. Some of the above are also crimes, and law enforcement is monitoring the WEB too.

6. Even when it is not used at trial, negative stuff on the computer can enrage the other side, cause them to believe you won't protect the children, and poison the atmosphere at mediation .

7. Some of my colleagues have suggested we "require" that clients not use social media. To me, that is akin to telling you not to use your phone or fax machine. And, it is as hopeless as telling my separated

clients not to date. (I strongly URGE you not to date or expose children traumatized by a separation to a new "significant other. At least wait until you see the mandatory parenting class for divorcing parents.)

8. Your Friends may not tell you, but real friends will NOT be impressed with your bashing of your spouse, ranting, or whining. You do so at your peril. And, you must meet with family and friends and insist that they not play "Hatfields and McCoys".

9. But, your "social network", personal and digital, can help pull you through this difficult time. I say, just act responsibly.

10. My best advice? Put your children first, do not involve them in the fight, no drugs, moderate your alcohol use, discourage friends and family from acting up, and be very, very, very careful of what you send, receive, browse, print, post, and view ON THAT PHONE AND COMPUTER!!

[EMBED]

The Role of Fault in WV Alimony (WV Code 48-8-104) (2011-03-06 14:47)

WV Code, Section 48-8-104 Effect of fault or misconduct on award of spousal support

In determining whether spousal support is to be awarded, or in determining the amount of spousal support, if any, to be awarded, the court shall consider and compare the fault or misconduct of either or both of the parties and the effect of the fault or misconduct as a contributing factor to the deterioration of the marital relationship.

(Note:

February 10, 2012; J.B.H.

I argued a case before the WV Supreme Court this fall, and won it by a 3-2 vote. I was asked by Justice Workman why I did not consider repudiating my client's pre-nuptial agreement and asking for commensurate alimony for the husband's fault, an admitted affair. I explained that I found that family courts are not concerned much with fault.

She respectfully disagreed with me, referring me to a case she had authored. I left there feeling that in the right case, she and the Court would support a significant award of alimony. As I said, unless a client is prepared to go to the Supreme Court, I find that family courts apply no greater significance to fault than any other of the statutory factors, and less than the length of the marriage or health of the parties.)

Factors in Determining Alimony (Spousal Support), The WV Statute, Sec 48-6-301
(2011-03-06 14:40)

Section 48-6-301 Factors considered in awarding spousal support, child support or separate maintenance; (Note:

Feb. 10, 2012. J.B.H. This is WVa's alimony statute.)

(a) In cases where the parties to an action commenced under the provisions of this article have not executed a separation agreement, or have executed an agreement which is incomplete or insufficient to resolve the outstanding issues between the parties, or where the court finds the separation agreement of the parties not to be fair and reasonable or clear and unambiguous, the court shall proceed to resolve the issues outstanding between the parties.

(b) The court shall consider the following factors in determining the amount of spousal support, child support or separate maintenance, if any, to be ordered under the provisions of parts 5 and 6, article five of this chapter, as a supplement to or in lieu of the separation agreement:

(1) The length of time the parties were married;

(2) The period of time during the marriage when the parties actually lived together as husband and wife;

(3) The present employment income and other recurring earnings of each party from any source;

(4) The income-earning abilities of each of the parties, based upon such factors as educational background, training, employment skills, work experience, length of absence from the job market and custodial responsibilities for children;

(5) The distribution of marital property to be made under the terms of a separation agreement or by the court under the provisions of article seven of this chapter, insofar as the distribution affects or will affect the earnings of the parties and their ability to pay or their need to receive spousal support, child support or separate maintenance: Provided, That for the purposes of determining a spouse's ability to pay spousal support, the court may not consider the income generated by property allocated to the payor spouse in connection with the division of marital property unless the court makes specific findings that a failure to consider income from the allocated property would result in substantial inequity;

(6) The ages and the physical, mental and emotional condition of each party;

(7) The educational qualifications of each party;

(8) Whether either party has foregone or postponed economic, education or employment opportunities during the course of the marriage;

(9) The standard of living established during the marriage;

(10) The likelihood that the party seeking spousal support, child support or separate maintenance can substantially increase his or her income-earning abilities within a reasonable time by acquiring additional education or training;

- (11) Any financial or other contribution made by either party to the education, training, vocational skills, career or earning capacity of the other party;**
- (12) The anticipated expense of obtaining the education and training described in subdivision (10) above;**
- (13) The costs of educating minor children;**
- (14) The costs of providing health care for each of the parties and their minor children;**
- (15) The tax consequences to each party;**
- (16) The extent to which it would be inappropriate for a party, because said party will be the custodian of a minor child or children, to seek employment outside the home;**
- (17) The financial need of each party;**
- (18) The legal obligations of each party to support himself or herself and to support any other person;**
- (19) Costs and care associated with a minor or adult child's physical or mental disabilities;**
and
- (20) Such other factors as the court deems necessary or appropriate to consider in order to arrive at a fair and equitable grant of spousal support, child support or separate maintenance.**

General Provisions Regarding Spousal Support, WV Statute (2011-03-06 14:37)

Section 48-8-101 General provisions regarding spousal support

- (a) An obligation that compels a person to pay spousal support may arise from the terms of a court order, an antenuptial agreement or a separation agreement. In an order or agreement, a provision that has the support of a spouse or former spouse as its sole purpose is to be regarded as an allowance for spousal support whether expressly designated as such or not, unless the provisions of this chapter specifically require the particular type of allowance to be treated as child support or a division of marital property. Spousal support may be paid as a lump sum or as periodic installments without affecting its character as spousal support.
- (b) Spousal support is divided into four classes which are: (1) Permanent spousal support; (2) temporary spousal support, otherwise known as spousal support pendente lite; (3) rehabilitative spousal support; and (4) spousal support in gross.
- (c) An award of spousal support cannot be ordered unless the parties are actually living separate and apart from each other.

Rehabilitative Spousal Support - The WV Statute (2011-03-06 14:34)

(This is simply the WV Statute. I work with the person claiming rehabilitative alimony by preparing a "plan of economic self improvement". This is critical where the marriage was not long enough to justify permanent alimony. We must convince the judge the person claiming is industrious and serious about getting a fresh start in shortest time possible. I send her (usually is a her) to local colleges, vocational schools, or employers with training programs. Financial aid offices can be very helpful. The more concise details, the better!

(When I represent the potential obligor, I explain the statutes fully, and work hard to negotiate something "he" feels he can live with. Failing to reach agreement, we have an expensive trial and "throw the dice." Where possible, I make the case for \$0's in alimony, or trade my client's interest in a fixed value property, car, motor home, retirement, etc. j.b.h., 3-4-2012.)

Section 48-8-105 Rehabilitative spousal support

(a) The court may award rehabilitative spousal support for a limited period of time to allow the recipient spouse, through reasonable efforts, to become gainfully employed. When awarding rehabilitative spousal support, the court shall make specific findings of fact to explain the basis for the award, giving due consideration to the factors set forth in section 8-103 of this article. An award of rehabilitative spousal support is appropriate when the dependent spouse evidences a potential for self-support that could be developed through rehabilitation, training or academic study.

(b) The court may modify an award of rehabilitative spousal support if a substantial change in the circumstances under which rehabilitative spousal support was granted warrants terminating, extending or modifying the award or replacing it with an award of permanent spousal support. In determining whether a substantial change of circumstances exists which would warrant a modification of a rehabilitative spousal support award, the court may consider a reassessment of the dependent spouse's potential work skills and the availability of a relevant job market, the dependent spouse's age, health and skills, the dependent spouse's ability or inability to meet the terms of the rehabilitative plan and other relevant factors as provided for in section 8-103 of this article.

Alimony: The Particulars (2011-03-06 14:09)

I posted an article about alimony, or spousal support, August 9, 2010.

You may recall that **there are several forms of alimony:**

a. Temporary spousal support, while the divorce is pending.

b. Rehabilitative spousal support, designed to allow a disadvantaged spouse to get back on his/her feet. This often covers a period for that spouse to obtain a two year or four year degree or recertification for a previous employment.

c. Permanent Alimony. See the Molnar case in my August 9 post.

d. Variations include a lump sum payment or trade for a share of marital property in excess of 50 % and specific payments for a fixed period with a stipulation the Court does not have jurisdiction to modify it in amount or time.

e. The order needs to specify whether will be spousal support will be a charge against the estate of the obligor. That is, if the person paying alimony has agreed that his former spouse's alimony claim can be a charge against his estate, after he dies, the order needs to say so.

f. My next three posts will be the three WV statutes that define the law of alimony. There are many WV Supreme Court of Appeal cases that define it in detail. Longer term alimony is determined by an analysis of 20 factors, age, relative incomes, education, health, length of marriage, lifestyle of the parties before separation, and relative fault in the breakup of the marriage.

I am happy to respond to inquiries sent via my professional website:

www.hunterlawfirm.net

How Did Your Week Compare to Mine? (2011-03-04 21:33)

I just finished an intense, interesting week. Perhaps you would like to know what that means for a busy personal injury, civil trial, and family law attorney,

a.

Worked three 6:00 a.m. to 6:00 p.m. days out of five, and the first six day week for awhile.

b. Had choir practice on Thursday evening (Hit a strong lick on learning the Easter Cantata.)

c. Appeared at a short notice motion for temporary relief in a divorce action and managed to have my client NOT be kicked out of his house. The parties wasted \$1200 in combined attorney fees because my opponent wanted to notch an early win. Not today! Perhaps my idea of a collaborative approach may now make more sense to the other party and her attorney.

d. Obtained a preliminary injunction prohibiting further distribution of the proceeds of a disputed life insurance policy, two thirds of which has been spent!

e. Visited my busy barber and discovered no one waiting ahead of me! (That was a high point!)

f. Was hired by a person stationed in Korea, and another with a case in another state. My Internet presence is becoming more important every day.

g. Overcame a dilatory and disingenuous mediator who refused to mediate the case if I were going to attend the mediation. I did so by meeting with my client and the unrepresented Mother of his children before the hearing. We created a 20 page Permanent Parenting Plan using the document assembly program Pathagoras! The judge was happy to approve it and praised the parties lavishly. By doing the job the mediator should have, I saved my client \$2000 and both parties six months of agony. I was so proud of them.

h. Met with my client, the Mother of nine month old baby, and with the Father by phone. Started out calling each other "liars", accusing, "head is up her ass", and sundry other insults. Finished with a revised parenting plan filled with promises of mutual respect, putting child first, improved communication, and peaceful transfers of the child. For now, they have to park 50 to 100 feet apart and have a neutral third party carry the child between them, but that is a huge improvement over a contempt petition and impending trial. These people REALLY do not like each other, so I was proud of them too. We again saved the client thousands.

i. Found a potential Medical Malpractice claim worthy of review by one of the top Med Mal attorneys in the State. We will associate if the case turns out to be viable.

j. Made progress in locating a company that caused my client to experience psychotic symptoms from "bath salts", lose his job, and have parenting rights suspended. Oh, if we can just find a viable defendant. I think a jury of WV Citizens will figure how to give a just result in that one.

k. Met with a woman verging on a nervous breakdown, "self-represented", who was so traumatized by her hearing earlier in the day that my paralegal feared for her health and safety. We will help her.

l. Learned the daughter of my Mother's best friend died. She wasn't yet 60 years old. Trying to figure out how to make the funeral Sunday.

m. Set three new client interviews for Saturday. All claim to be bringing in retainers! We will see.

n. And thus goes the life of a person whose lot in life is to meet people with problems and hire on to help them solve them.

12.11 February

The WV Association For Justice - Benefits of Our Relationship (2011-02-21 17:16)

Travels and "stuff" have kept me from posting the last couple of weeks. My attendance last week at the 2011 WVAJ Mid-Winter Conference provided me an abundance of valuable material to blog about.

1. We became the WV Association for Justice, WVAJ, from the WV Trials Lawyers Association, an affiliate of A.T.L.A., the Association of Trial Lawyers of America.

2. During the Bush era the term "trial lawyers" was demonized by The U.S. Chamber of Commerce and the insurance industry, and, within WV, an industry funded entity, CALA, "Citizens Against Lawsuit Abuse".

3. As a result of intense pressure, and extensive "tort reform" litigation, A.T.L.A. decided to become the American Association for Justice, and we became The WV Association for Justice. Everyone loves justice.

4. The "Trial Lawyers" was an idea of our founding father, the George Washington of WV

personal injury litigators, Stanley Preiser. Many articles have appeared recently on Stanley, who died in 2010. He is one of a handful of giants of the profession, known nationwide.

5. I was privileged to be selected as a member of the then WVTLA Board of Directors in the mid 90's. My association with this organization has been invaluable.

6. Twice a year, we have a two day seminar, our Annual Meeting in June, and the Mid-Winter in February. Each time I come back with at least a dozen key tips or pieces of information. Often I do not know what is valuable until months later.

7. A few examples are:

a. A casual conversation with a seminar presenter, and President of ATLA, led to my son's finding an internship for his masters of arts program at The Savannah College of Art and Design. The employer insisted on paying him and offered him a job upon graduation. Now that's an example of networking.

b. I learned of the WV Supreme Court of Appeals case of *Hayseeds Inc. vs. State Farm Insurance* two days before a day long mediation of an insurance claim resulting from a total loss fire of a local super market. In the face of the threat to pay all my client's attorney fees and damages for "aggravation and inconvenience", we collected every single penny of policy coverage, over \$400,000.

c. I have been blessed to participate in a number of major impact personal injury settlements. All but one had me associated with an attorney who was or had been President of WVTLA. These lawyers, Wesley Metheney, Guy Bucci, and Tim Bailey have made the difference for me and our clients. I would not know these men if it weren't for the WVAJ.

d. I settled one such case "on my own" without filing suit. Even then, a member of the law firm of one of these firms attended mediation so the defense knew I would associate with a firm of great stature if we filed suit. We did not have to.

e. Because I am "the Republican Trial Lawyer", I have been given the opportunity to appear on t.v. in support of a beleaguered political candidate and to show up at a local business persons organization in support of a candidate. It is great when I can give back to this organization.

f. I was invited by the WVTLA, in the early '90's, to organize a "Peoples' Law School" in Upshur County. We ended up doing 7-8 annual schools, one of which included an eight week "mock trial". We averaged as many as 150 attendees per session and never less than 80, and I was named State Peoples' Law School Chair Person".

g. For several years, we had as many as 20 Peoples' Law Schools per year and reached thousands of WV citizens, covering dozens of important legal subjects. I was awarded two major WVTLA awards in gratitude from the organization.

h. (My efforts, of course, pale in comparison to the efforts over many years of my friend Dan Ringer of Morgantown who hosts the popular WVPBS program The Law Works.) There is so much misinformation out there about our legal system, including intentional falsehoods and exaggerations, that there is a huge need for accurate information.

i. When the family of a Sago Miner sought me out for advice, I had the perfect person to as-

sociate with, Tim Bailey of Bucci, Bailey and Javins, LC. Tim diligently pursued the case to a just decision. I played a role as local counsel. Mutual respect and trust allow us to work well together.

8. Now the WVAJ has a statewide "Speakers Bureau". We will provide a knowledgeable speaker to community groups and schools. **Give our Director Beth White a call at 304 344-0692.**

9. Trial lawyers, inevitably, have big egos, and some well known lawyers have left the organization for various reasons, or choose not to join, but it is clearly **THE** organization for any WV lawyer with aspirations to practice personal injury and insurance law.

The Tension Between Lawyers and Judges (2011-02-01 22:23)

[1]



This is a difficult topic for me. I just deleted my first page, for the second time! Back I go to the blank page. (And I assure you this is not any of the judges I regularly appear before. I hope they accept in good fun that sometimes this is the way a judge appears to us. I just searched Google Images for "angry judge" and this is what I got. j.b.h. 3-4-2012)

Last week a thought hit me with full force. It stopped me in my tracks.....

MANY JUDGES DO NOT UNDERSTAND MEDIATION, OR ME! This fact makes cases take a lot longer and be much more expensive than they have to be.

What can I, and any good lawyer, do about poor communication and rapport with judges? I wish I knew. It would make life easier for my clients, my opponents, the judges, and me. I think I understand the problem a lot better than the solution:

1. First, lawyers and judges go to different Continuing Legal Education classes. The judges are taught the "inside stuff", and they, especially the Family Court Judges, come back with new twists and interpretations of common issues. Family law changes more than some other areas, and the legislature and Supreme Court are the source of that.

2. Of prime interest to judges are methods they can use to avoid reversal on appeal. A small percentage of judges seem to get pleasure in making the lawyer and unrepresented party look and feel foolish. Others make voluminous and largely irrelevant findings, under the theory that if the appeal court can find something in the findings to uphold the lower court, the judge can avoid being overturned. **Most judges are "risk averse". They certainly do not require, or even encourage, technical innovation.**

3. Occasionally a judge appears as a speaker at CLE, and we should always listen to them carefully. But, judges and lawyers live in different worlds.

4. A judge who has not been a lawyer for decades often seems to forget what advocating for a party is all about. They often are not interested in my telling them what I intend to present, or why (opening statement), and what solutions I propose. And, their body language shows that closing arguments at the end of a tiring hearing are usually NOT appreciated. They see advocacy as us "getting in the way". They wrongfully assume my advocacy is "blind advocacy". I can assure you it is not.

5. JUDGES DON'T GO TO MEDIATIONS! So, they do not understand the ebb and flow, the tips, tricks, subtleties, joys, benefits, the profound sense of accomplishment, and the challenges, that become apparent only after one attends dozens, then hundreds, of mediations. And, our accomplishments in mediation cannot be appreciated by judges because they are not allowed to know what goes on there. Mediation is confidential. Judges listen to the disputed evidence, decide, and move on to another case. They are, in a sense, dictators. Mediation is democracy. Some tough, hard-bitten, trial attorneys lament the mediation movement as a step backward. I disagree, especially in the Family Court setting, but I have also successfully mediated "seven figure", and "high six figure", monetary settlements without ever filing suit. That saves tens of thousands of dollars in litigation expenses and months and years of delay.

6. There even exist judges who "do not believe in mediation" and do not order it. Others encourage the limited view that mediation is essential only for "children's issues", leaving unresolved what to do with the house, the cars, the debts, and alimony claims; as if these issues do not impact the children!

7. Some judges do not care if the lawyers go to the mediation, even though when they do, mediation is the most important part of the whole process. Who in their right mind would leave their lawyer home for the most important event in their divorce case? Understanding mediation takes brains, imagination, humor, daring, and compassion. These qualities are lacking in some judges and some lawyers.

8. And, other judges fail to realize that most lawyers are abysmally bad at "mandatory face to face settlement meetings" without a mediator. And they do not care that we abhor those meetings. Judges expect us to be adversaries and tend not to foster collegiality.

9. And, judges have their favorites. I once complained in vain that the other lawyer showed up late to five hearings in a row in the same case, costing my client and me hundreds of dollars. That lawyer did not get even a "steely eyed squint" from the judge. I would have appreciated even mild chastisement, since I was on time for every hearing. How does the on time lawyer explain that to his client?

10. Court ordered "face to face meetings" force the lawyer to look like "the enemy" to his own client because the lawyer has to point out all the risks and weakness in their own case to his client, causing the client to ask, "Whose side are you on anyway?" I once achieved a fine compromise settlement in a very difficult case only to get fired the next day when the hysterical client called to advise she figured out I had been brainwashed by the other side. Boy, could I have used a strong mediator that day. Such mediators are the salvation of the lawyer with the "difficult" client. Good mediators engender trust in the litigants, and they back up the lawyer who has to give bad news to his client.

11. Even the judges who know me well do not seem to realize that my personal standard of fairness is higher than any ethical "standard" the State Bar can impose on me. I will not lie to an unrepresented opponent. I will work hard to understand their complaints against my client. I will do what I can to get my client to avoid control and emotional abuse. I keep the children in mind constantly. If I cannot represent the client in good faith, I will move to withdraw as counsel.

12. There once was a Family Court Judge who would not let lawyers withdraw as counsel. He loved to assert his control. He would not give me the respect of realizing that I would never move to withdraw without good reason. Sometime it is because the client, simply, will not pay, but usually it is behavior of the client the lawyer cannot condone. We are not slaves who should have to work for free, unless we choose to do so, which I sometimes do. Keeping a lawyer and disturbed client together creates a serious risk of harm to that lawyer.

13. Most judges, but not all, are polite to the people who appear before them. Two judges I appeared before, both now deceased, were always meticulously polite to the people who appeared before them. It was amazing to watch. In their place I think I would lose patience with the unprepared or inexperienced lawyer, the unrepresented, and certainly the person accused of a despicable crime. But, these two judges were so masterful in this regard so that even when they ruled against you, they seemed to feel bad for you. I always felt these judges considered my point of view and weighed it against my adversary's. Being treated with dignity by someone with power over you makes you feel human. The "gotcha judge" or the "too busy judge" does not show respect to the litigant, who leaves the experience bitter and humiliated. I felt the same way in the Air Force. The "Lt. Calley's" of the world made it miserable for those below them.

14. I have tried to build my rapport with every judge, by being prepared, by being respectful, by ALWAYS telling them the truth, by doing my assigned orders promptly, by filing and answering discovery requests timely and completely, by calling and writing the other lawyer many times before filing a motion to compel discovery, and by bringing the judge innovative solutions and theories. Not only do they often seem not to appreciate these things, but they ignore and discourage innovation, and they often do not penalize the party or attorney who ignores these standards. They seem to expect mediocrity, and do not penalize it.

15. What part of these problems is my fault?

That answer is clear.

My part in this is my cocky certitude. The very thing that helps me get up each day and do this frustrating and irritating work is off-putting to a judge who wants to be in control. I need more tact, patience, and

skill at communicating with and convincing the judge. I try, really (!) but my track history is that when I have accurate facts, my judgment has been excellent. When my client follows my advice, the case usually works out. I radiate that confidence, and it does not sit well with some people. (And I wish I were tall and handsome too!)

16. The problems with mediation, as I have said before, derive from the very first pilot project where mediation was started "on a shoestring". It was limited to "children's issues, and lawyers participation, even as mediators, was discouraged. That attitude is pervasive in certain parts of the State.

17. And, there are just too many lawyers and judges who lack mediation skills and confidence in mediation. I have written other articles on this subject. All we can do here in Central WV is the best we can to make mediation work here.

18. And, of course, the judicial system is, by definition, an "adversary system", so the law student does not learn negotiation, collaboration, compassion, and innovative thinking. They are taught "by the book", and "by the book" is not a collaborative effort.

19. Even as my relationship with other family law practitioners improves, as we learn to work together, my frustration in working with judges is apparent. Perhaps as generational changes occur, the attitude of judges, and the lawyers who appear before them, will evolve into a less "adversarial" approach. I wish I could be more optimistic.

20. As long as I am part of this system, I will try to change it for the better.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>

12.12 January

Document Assembly Dialogue; Roy Lazris's Reply To Scott Curnutte (2011-01-31 22:49)

Please note that Roy does not argue with Scott. He is not that kind of guy. Instead, he addresses Scott's observations the document assembly is just too complicated and expensive, and tells what he is doing to correct the problem.

Roy's letter:

From: Pathagoras [mailto:info@pathagoras.com]
Sent: Saturday, January 29, 2011 8:38 AM
To: Burton Hunter
Subject: RE: Pathagoras

Burt,

FWIW, let me address one small portion of Scott's comment, quoted below:

2) all use the same proprietary document-assembly program and commit to continue doing so for the foreseeable future; or 3) do our best to coordinate clauses so that when someone realizes that there is a huge market for XML editors with consumer-friendly features we can move more quickly to implement "pick, plug, print" (you can steal my phrase if you like it, but you have to footnote me).

No argument re: the 'big picture' Scott paints, but here is where at least Pathagoras can begin to come into the community.

Let's start with two the 'really big deal' concepts that Pathagoras operates within. 'Plain text' and 'fidelity'.

PLAIN TEXT: Plain text promotes universality. (That's what rich text was, maybe still is. That's what XML purports to do as well, and in its world, it does succeed. But comparing Pathagoras with XML is apples and whales.)

Pathagoras uses plain text [variables] and plain text {optional clauses }. That means that documents that are created by anyone (you, me, Matthew/Bender, WestLaw) using square brackets to denote variables and curly braces to denote optional text, are potentially universal documents. (Forget automatic paragraph numbering and other styles that are the bane of universality.) If there were a WordPerfect version (I'm still thinking about it, but just don't have the time), or Open Office or Lotus coding that could read plain text bracketed variables and present them onto a screen and then invoke that program's search and replace routine to make the substitutions, then we have 'lift off.' Documents can be shared. No proprietary program will be required.

In fact, as the last few sentences above suggest, even now a 'proprietary limitation' is not even true. Anyone can create documents with [plain text variables] on any platform, and give/sell/share them with anyone. And anyone can write code to read them. (Of course, Pathagoras does much more than just replace [variables]. I would continue to market Pathagoras for those proprietary features. But, to the extent that others – including you, Burt, or Scott – publish documents that meet this 'plain text [variables]' model and standard, everybody's universe of useful and automated documents is tremendously enhanced, Pathagoras installed or not. And there is at least one other program that reads and processes [bracketed variables]. It's called "DataPrompter.")

Of course, most programs today cannot detect [bracketed variables] with the intent of doing anything with them. That's because those programs are trying to do too many other things with that text, many of those things quite worthless, and require much more than 'plain text' to do what they want to accomplish). To the extent, however, that a 'simplicity revolution' takes place, and plain text variables become a norm, then we begin to meet at least one of Scott's requirements.

Speaking of plain text, the Instant Database record that Pathagoras saves out after the form is completed is just a csv file (comma separated value). That is another universally recognized type file. It too is saved all in plain text.

Of course, XML theoretically operates on the same kind of 'plain text' platform, but it is just too 'behind the scenes'. The file structure of an .xml file is plain text. However, no one can read an XML document and make any sense of it. (In the same way that few people can open the source code for a web page and discern what it means. HTML is universal, it's plain text, but it's not what people can use. Despite the fact that HTML code has been around forever in its plain text glory, and despite the fact that there are any number of people-friendly programs that will help you to design a workable website, for the most

part web pages and HTML code is still written by experts. Document are written by lay people like you and me.)

FACIALITY:

That is probably not even a word, but what I mean by it is that a typically user can see on the face of the document what the document is supposed to do. A [variable] is supposed to be replaced with a value. {Optional blocks are supposed to be kept if the answer is "Yes" or deleted if the answer is "no". } The end user has to see within the 4 corners of the document what is supposed to happen. A Word2007+ document saved out as an .docx (using XML structure) is definitely not 'facial', at least as far as the XML coding goes.

I continue to force myself to keep 'plain text' and 'facial' in mind as I write new code and functionality into Pathagoras. It would definitely be a lot easier for me to do things using MS more powerful hidden fields, database links and the like as the big guys against whom I compete are doing. But my target market is really not theirs. Their target audience are the firms with IT staff. My target audience are the rest of the firms without such staff. That target audience will always be there.

When that day does come as described in Scott's #3 above, I'll be ready, not with XML, but plain text documents.

The fantastic 'CaseMap' features of document management and case control will never be a Pathagoras function. But when it comes to creating simple too complex documents, and despite all of its 'low tech' underpinnings, I am confident that Pathagoras is on the right track.

-Roy

-

Roy Lasris

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Can Lawyers Collaborate to Their and Their Clients' Benefit? (2011-01-31 22:33)

Writing for my blog, to my family and friends, and to other lawyers is very satisfying to me. I have a mailing list of around 200 lawyers I know personally. I write to this group on topics I feel may be of interest to them. Many of my letters are tech oriented, as are some of these articles.

Recently, I got a very kind response from Attorney/Mediator Scott Curnutte of Elkins. Scott is one of the 3-4 best mediators I have ever worked with, especially on Family Law issues.

As some of my readers know, I have strongly endorsed the document assembly program, Pathagoras. Scott's letter raised important issues for our profession. It is a tad technical, so feel free to skip it, but I found it to be helpful and interesting, AND it motivated the President/Designer of Pathagoras, Roy Lazris, to respond with his own creative and constructive ideas. I will post Roy's letter also, in a few minutes.

It is good to know that some of us are working hard to improve the quality and efficiency of our written work product. To their credit, the "non techies" are responding with their questions and comments. I hope our clients benefit from the dialogue. Burt Hunter

Next, Scott's words of wisdom: (Scott is exceptionally bright, and this e-mail took time and work, and I sincerely appreciated it. J.B.H. 2/19/2012)

To paraphrase Cicero, if I'd had time, I would have written a shorter email, especially if I'd intended it for a larger audience. But, go ahead: I'm sure most people on the list already think I'm a bit of a windbag. I'm happy to continue hearing about this and other efforts you are making to push better use of technology in the practice of law.

The tone of this email seems a bit wistful, so I thought I'd drop you a note of encouragement. I've learned that being a tech pioneer, particularly an altruistic one, bears a striking resemblance to being a pioneer in the 19th century American plains: the view of wide open vistas, pregnant with innumerable possibilities AND the sound of crickets chirping and numbing loneliness. I also wanted to explain why I'm not following this particular set of wagon tracks. In theory, I share your enthusiasm for a central clause/form database. Even the evil insurance companies ultimately saw the wisdom of centralized, standardized form policies. The problem in the legal industry is the present state of the word-processing market, coupled with the lack of market pressure to develop better tools.

I realize a majority of attorneys use Microsoft Word and virtually all the remainder use Word-Perfect. "Virtually all" isn't "all," however: I use Lotus WordPro. And, a hardy few of our sisters and brothers use OpenOffice or word processors for the Mac. Because we put up with it, the purveyors of word processors continue to lock us into proprietary formats. Because our documents tend to be heavily structured, with automatic numbering, footnotes, etc., the "minor" formatting differences become huge issues for us. It shouldn't be this way, and it doesn't have to. The entire point of HTML and the reason the WWW exploded was because Tim Berners-Lee saw the importance of separating content from structure. Over 10 years ago XML promised even more abstraction, including the ability to permit disparate databases with disparate naming conventions to exchange data. Notwithstanding their marketing claims, however, the word-processor manufacturers haven't truly implemented XML.

Take any reasonably long pleading created with Word 2007 or later and saved as "Office Open XML" and then try to open it with any other word-processor, including OpenOffice or Google Docs; or, try the reverse. Go ahead and try it, I'll wait (although you should make sure there are no children or people sensitive to cursing in the room when you do, especially if you're working on a deadline)... At least one of the programs didn't crash? You get 2 points. At least one of the programs actually opened the document without throwing an error message? You get 2 more points. Both programs actually opened the document without throwing an error message? You get 2 more points. Seriously: I will offer you a standing bet of \$100 that you will suffer formatting problems at the very least. Accordingly, to fully implement your vision we either must:

- 1) all use the same word-processor and commit to continue doing so for the foreseeable future;
- 2) all use the same proprietary document-assembly program and commit to continue doing so for the foreseeable future; or
- 3) do our best to coordinate clauses so that when someone realizes that there is a huge market for XML editors with consumer-friendly features we can move more quickly to implement "pick, plug, print" (you can steal my phrase if you like it, but you have to footnote me).

Since I think option 3 is the best, I'm happy to send you whatever forms you would like to contribute to the content side of your project. I can't commit to spend the time to test or work on the field/clause side of the project, however, because at present I can't use Word forms. Obviously, you've gotten me a bit worked up on the topic, so let me conclude by describing the sod cabin I'm living in and the house I'm beginning to work on. For the last 15 years, we use fields to hold structured data like names, pronouns, addresses, party designations, venue, CS amounts, etc. Our Lotus WordPro forms have field references for that data. The field variables can either be input directly through WordPro, or can bilaterally exchange with structured fields within our Lotus Notes databases. I have not taken the time to implement large clause changes based upon field values. In other words, your Pathagoras

The reason I haven't spent the time to implement more clause-based assembly within our existing system is because I decided to invest my time in the next version of our system. My office uses Lotus Notes for virtually everything, from communication to calendaring to content storage to document management. Every matter has a database which stores every bit of information about the case. It contains all of our communications relating to that client; notes from every meeting; every letter, pleading, or other document is stored with fields for the metadata.

I developed version 1 of the database when Kmart dumped >100,000 emails and internal documents in response to a discovery request. OCR helped to sort the majority and then we extracted the metadata by hand (author, recipient, date, subject, etc). When I went to Chicago to depose the executives, I had an instant list of every email they had sent, received, or seen. I borrowed from CaseMap the notion of storing "facts," with links to the source.

In version 2, I expanded the database to store every scrap of information about a case. That meant that we could link everything. My hearing outlines--created within Lotus Notes--are then linked to the data within the database. So, when I tell the judge that my client's 2009 income was \$50,000, there is a hyperlink to the tax return. When I tell the judge that the statute or case says thus and so, there is a hyperlink to the full rule, statute, or case. When I tell the judge that opposing counsel sent an email saying such and such, there is a hyperlink to the email.

At the conclusion of the case, the bill can be reviewed against a view of all the entries in the database, since every phone call, email, letter, pleading, everything, is in there. And, we use it to manage our workflow: once a case manager has created the initial draft of a document, she sends a link to me; once I've completed and approved it, I send a link to her. The system can then automatically check for assignments which are past a certain due date.

For version 3, I'm working on the document assembly part. I'm using Java and XML to dynamically create documents from the data and form banks. I suppose the best way to explain it is to say that I can create a "document" which is more like watching a surveillance camera in real time. When it's time to file a pleading or send a letter by creating a pdf, it's akin to pressing the pause button on the surveillance camera.

The exciting part is the level of abstraction. Currently, we have a several step process to copy from the equitable distribution spreadsheet and paste it into the settlement agreement. I'm working on combining the live spreadsheet data with the structured data with form clauses: change the value of an item, and the settlement agreement dynamically changes the offsetting payment; change the distribution of an item, and the settlement agreement changes too. The other big feature of version 3 will be master checklists for the entire course of the case.

The checklists will initiate processes to prompt the user to input or obtain necessary information, as well as initiating the production of the documents referenced above. The checklists will have expected

durations / deadlines. For the last two years, we've tried to structure our data capture about judges, attorneys, and case variables.

The idea is that a case without children, before Judge Jackson, with attorney A, would have a tighter timeline than a case with children, before Judge Longo, with attorney B. The data will permit us to identify common bottlenecks. More importantly, it will permit us to intelligently price our services. Finally, I intend to use it during our employee evaluations: you met or beat timelines x % of the time, etc. For version 4, I plan to automate the process of extracting metadata from documents we receive. Version 5 would automate the filing as well. Currently, everything is scanned and OCR'd.

Then, the case manager creates an entry in the particular client's database, and manually inputs the important metadata. I want the OCR program to email the document to Lotus Notes, which would extract the metadata, determine the appropriate client, and make the appropriate entry in the database. Anyway, I've gone on far too long with this monologue, I just wanted to let you know that I'm glad you're continuing to push, and I'm especially grateful that you're so willing to share your thoughts and work.

[EMBED]

How Can I Get My Children's Parenting Plan Modified? (2011-01-22 17:13)

[1]



This is a question I am asked around 25 times a year. First, what is a parenting plan? From at least the time when the legislature did away with the "primary caretaker rule", which usually favored the Mother in custody cases, parties have been encouraged to fashion "shared parenting plans" under which to raise their children.

Seminar speakers at the time assured us that the new rule would have very little impact in the “real world”. They were wrong, and I tend to think more good has been done by the new rules than bad.

Under the old standards, one parent “won custody” or was awarded custody, and the other parent was the “absent parent” entitled to “visitation” and access to the children’s (school, medical, and juvenile) records via a “consent” signed by the “custodial parent”.

The inequity of such rules is apparent to me now, although back then I took comfort that the parent who had been more involved in the children’s lives maintained “control”.

The term “Major non emergency decisions” means decisions made relative to medical treatment, schooling, extra-curricular activities, and religious upbringing. The “non custodial parent” could rage over the administration of the asthma medicine or Ritalin for ADHD, and some even sneaked their children to another Dr. during the week-ends, but it was far from a healthy situation. One parent kept “control”, and the other was clearly “second class”. Often the Court referred to that parent as the “absent parent”. Father’s and men’s rights organizations were militantly against that status quo.

Under the shared parenting concept, “fit parents” usually have equal access to records and co-equal decision making, on “the major non emergency decisions”.

With each parenting having a veto over “major non emergency decisions”, you might think there would be constant stalemate. NOT TRUE. Things are have become much better. Now that the “non residential” parent can speak with the pediatrician, the coach, and the Sunday school teacher, and have a say in major decisions, there is less contention. Having the right to drag the other parent to the mediator, at a shared cost usually leads to some kind of compromise solution. Of course, one of the parents usually ends up making these decisions more than the other, but having “the right” to share in the decision seems to ameliorate some of the resentment and distrust. I often urge parents to go talk with the teacher or doctor together.

Most parenting plans in North Central WV result from agreements achieved at mediation. When parents cannot agree, the Court decides.

BUT, what happens when one party is unhappy with a parenting plan? Each year I see a dozen or so “pro se” Petitions to Modify Parenting Plan. “Pro se” is another term for “self represented”. So far, not one of the pro se petitions states a case under existing statutes. That means they should be thrown out immediately, but our Family Courts have been too intimidated by recent WV Supreme Court rulings requiring them to excuse away the mistakes of pro se litigants. That’s a bit of an exaggeration, but it can be frustrating to an attorney to make an objection or file a motion that would be sustained or granted, BUT FOR the fact the other party is representing herself or himself.

The modification statutes are in WV Code Article 48, Chapter 9, Section 401, “Modification upon Showing of Changed Circumstances or Harm”, and Section 402, “Modification Without Showing of Changed Circumstances”.

The old standard was, simply, “Material Change in Circumstances”. But, when the judges returned from their judicial training, the full import of these statutes became clear fairly rapidly. Judges use them as an excuse NOT to do the hard work of tailoring parenting plans to the best interests of the children. Truth is they do not have time.

Section 402 allows modification if:

- a. The parents agree** and the Court determines the agreement is knowing and voluntary, and not harmful to the children;
- b. There is NOT a material change in circumstances but the parties have been following a different (de facto) plan** continuously, and voluntarily, for six months;
- c. The modification constitutes a “minor modification” of the plan;**
- d. When modification is necessary to accommodate the reasonable and firm preferences of a child who has attained the age of 14; and**
- e. Modification can be granted when the other parent has made repeated filings of fraudulent reports of domestic violence or child abuse.**

There is also case law that one parent’s withholding of the child from the other may be a basis for a transfer of custody.

Modification based on “substantial and material change in circumstances” means facts which arose since the entry of the prior custody order, which were not known at the time of the entry, and were not anticipated by the parties, such as Mom’s new boyfriend’s opening a meth lab in her garage! (Do you think I am kidding?)

We try not to use the terms “custody” and “visitation”, preferring the more benign “shared parenting” and “time with the child”, but old habits die hard.

Realizing that single moms are often at a disadvantage in funds and resources, the legislature further determined that “choice of reasonable caretaking arrangements, including day care” would not be a “material change”. Nor is a parent’s remarriage or cohabitation a “material change”.

Of course it is “verboten” to make any moral judgment regarding a parent’s “living in sin”. And, properly, a mixed racial relationship, and a party’s sexual preferences are supposed to be irrelevant unless direct harm to the children can be proven.

West Virginia is the State which had the famous “Gay Parent Case”, In Re Clifford K. That is the case that motivated the “Kansas Krazies” to demonstrate in Buckhannon on the campus of WV Wesleyan College, during the Sago Miners’ Memorial Service.

In “Clifford K”, the WV Supreme Court awarded custody of a five year old child to the surviving lesbian partner of a biological mother killed in an auto collision. The Court ruled that she was the child’s “psychological parent”, which, of course, she was.

Since “grandparent’s rights” are virtually non-existent, since the U.S. Supreme Court Ruled thereon, many a grandparent has custody right now via their status as “psychological parent”. **(Editor: a recent case, In Re: Healia (sp?), has turned the advantage back to biological parents in all but the most egregious situations.)**

The point of all this is that WV Family Courts now try to apply a formula to Petitions for Modification, and it is clearly an area of the law that one should not try to traverse without a good attorney. Being a “good lawyer”, my bias is clear, but my views are based on sound logic. Until one understands how judges

look at this subject, he/she does not have a chance of successfully pursuing a petition to modify a parenting plan.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/05/MeetingYourLawyer.jpg>

What Does a Personal Injury Lawyer Do Anyway? (2011-01-18 21:53)

[1]



In a world of instant communication, it is amazing the misconceptions people have regarding this question. As I have said, divorce clients have usually been building to a crisis and have discussed their problems with friends and family. Personal injury clients have, often literally, been blind-sided.

When the injured client or her family calls, I like to do a rather detailed interview over the telephone, at least 30 minutes. In that time, we must learn the following:

a. What type of claim, auto accident, premises fall, medical malpractice, defective product, or deliberate intent (work place injury)?

b. Is fault clear, contested, or uncertain?

c. What insurance policies are in place, auto liability, premises liability, underinsured coverage, uninsured coverage, property damage, medical insurance, "med pay", "personal umbrella", coverage of other family members, etc.? This can be a very complicated answer. But, getting an overview is essential. If there is no available insurance coverage, where will any recovery come from? Identifying all coverages is often the key to the case.

d. What are the injuries identified so far?

e. What are the approximate medical expenses?

f. Was there outpatient or inpatient care, or both?

g. Was there a police investigation, were photographs taken, is there an accident reconstruction report, and was news media on scene?

h. What is the date of the injury? This can be a huge question. I am prompted to write this today partly because a caller just advised me that it has been 2 years and 9 months since the collision and 2 years and six months since her 18th birthday! Unless more facts arise, that person is now barred from asserting their claim because of West Virginia's two year statute of limitations (The saddest words the Court can say, "The Statute Ran Yesterday.") The Statute can be overcome, but it is difficult. **Assuming the answers to these questions show a potentially viable claim, this is when a competent personal injury lawyer gets to work**, usually with a face to face meeting, at the office or in the hospital.

FIRST, the lawyer must reassure the client or family member by discussing his credentials and experience, assuring the person that most auto and some other personal injury claims do not require the filing of suit. (Sadly, medical malpractice, premises liability, and workplace injury (deliberate intent) claims do require the filing of suit.) Injured persons have been traumatized, physically and emotionally, and they need firm reassurance.

SECOND, most injury victims are concerned about appearing to be greedy or overreaching. I assure them that I have not had a client, by the time they have been through the process, believe he/she has been overly compensated by a generous insurance adjustor or jury. I probe their background, and share mine (United Methodist Church, Cub Scouts, 4-H, U.S. Air Force) and assure them that my values of right and wrong are very similar to theirs, regardless what they may have heard about injury lawyers.

THIRD, I describe for them what elements of damages the WV Courts will recognize.

These include reasonable medical expenses (past and future), lost wages, pain and suffering, mental anguish, temporary and permanent impairment, disfigurement, and loss of enjoyment of life. Spouses often have a claim for loss of services (consortium), which can include intimacy or day to day services that the spouse performed for the other. If the spouse or family member observed the incident, she may have a claim for emotional injury. A former client was witness to a horrific fatal injury to her pedestrian husband who had his leg severed when a driver lost control of her car.

FOURTH, we of course have a form fee agreement we ask the client to read and sign. Clear fault "limits" cases can have contingent fees as low as 10 %, but typically the percentage is 20 % if settled before suit and liability is not contested, 25 % if liability is disputed but settled before suit is filed, and 33 1/3 % if suit has to be filed. Most medical malpractice cases are 40 %, and other complex cases, such as industrial accidents, can be 35 % - 40 %.

FIFTH, the claims adjustor must be notified of the claim and the representation in writing and must acknowledge that representation in writing and in a timely manner.

SIXTH, the formal investigation begins, visiting and photographing the accident scene, writing for the police collision report, ordering medical records, and interviewing of witnesses.

SEVENTH, more detail is acquired. We ask the client and spouse to maintain diaries, and we have a form letter we write to "lay witnesses", people who knew the victim before and since the injuries. What a surprise it is to some of our more seriously injured clients, who thought they were keeping their suffering to themselves, and were trying to, to learn that their family, friends and co-workers have noticed a dramatic change in their demeanor and behavior. Ten to twenty of such letters are "worth their weight in gold" in convincing an adjustor or opposing counsel at mediation that they do not want this person's story heard by a jury.

EIGHTH, when the client reaches MMI, maximum medical improvement, a "demand package" and cover letter are prepared and submitted. Attachments include a narrative report from the treating doctor, and key specialists, the collision report, photos of scene and car, accident reconstruction report if one was obtained, lost wage statement, lay witness letters, and the claimant's diary. Our demand amounts are designed to elicit a constructive response and an eventual compromise for a fair settlement amount.

NINTH, the moment it appears there may not be enough liability insurance to reimburse the client fully, the attorney must send a notice of potential underinsured motorist (UIM) claim to the client's own insurance carrier. Settlement with the tortfeasor may not be made without the UIM carrier's permission. Of course, if the other side had no insurance, an uninsured (UM) claim must be filed with the client's own carrier.

TENTH, in major cases, I often suggest pre-litigation mediation. I have settled several cases this way, avoiding the risk and expense of litigation.

ELEVENTH, space does not permit a detailed discussion of the litigation process. Most auto claims do not require the suit to be filed. Once suit is pending, the discovery process must play out, with each side demanding all the evidence in possession of the other side. Questions called interrogatories require written answers, under oath. Requests for production of documents and admissions, and depositions taken before a court reporter, are also used.

TWELTH, most Courts require the litigants to participate in mediation. West Virginia has many good mediators, and most cases settle without trial.

THIRTEENTH, 13 is an appropriate number, because if all efforts to settle with the adjustor, or in pre-litigation mediation, or mediation before trial fail, the parties must "roll the dice" before a jury, whose decision is usually sustained by the judge. It is a ritualized form of combat, our "adversary system". Most people at that stage hope they have a skilled and experienced trial advocate. At that point, the lawyers who "cut up" on T.V. in order to draw customers may be less than credible with the jurors who most certainly have watched them.

FOURTEENTH, the truth be told, the T.V. lawyers who portray insurance adjustors as baboons to be intimidated into submission do their clients a disservice, because some of the very best recoveries occur because the lawyer treated those field adjustors with respect and professionalism, helping them with full documentation to convince their superiors to part with some of the carrier's precious cash rather than risk an even greater award by the jury.

FINALLY, the best lawyers focus on the people they represent, helping them to pick up the pieces, focus on the future, protect their family, and come out of the process as whole and healthy as possible. The heartfelt letters we often receive show that caring about the client, as well as the recovery, can make a great big difference in the lives of the people we represent.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/05/MeetingYourLawyer.jpg>

13. 2010

13.1 December

Tech Feedback with Blog Readers (2010-12-28 23:34)

I was pleased to get an e-mail from a colleague who had read my article on creating a tech savvy legal office. He had used Microsoft Word and Excel to organize and retrieve his legal research materials. He shared a set of instructions, and a functional file. He asked about new software that might give him greater capabilities. I will add his name here if he gives me permission.

This is my response:

Dear Gerald;

With your permission, I will circulate your question/comment below, and your attached files above, in a Dear Colleague letter, and perhaps as a blog post. Just advise me if I can use the question and your name.

First, if your system works for you, that is a big plus. For twenty years, I indexed every WV Supreme Court Case. I indexed cited statutes and head note key terms. When Casemaker came out, and our subscription to the SE Reporter expired, I stopped making my index cards and have "been in the dark" ever since! It probably would have been better to keep my old system! The legendary Charlie Hughes kept every reported WV insurance case in bound 3 ring notebooks and issued his revised table of contents and index at the C.L.E. Insurance Seminar each year. It was worth the price of the seminar. I kept my own insurance case law notebooks for many years. They are still somewhere, gathering dust.

I am currently struggling with the very question you ask below:

"I have recently come up with a better way to organize and find my notes, forms, research and other information that I wish to keep for future reference. However, it is quite likely that there is an existing program or strategy that accomplishes what I'm trying to do more effectively. I wonder if you would take a look at my strategy and let me know what you think."

The limitation to my system of course, was that the cards had only the key words. I had to go get the SE Reporter Paperbacks to read the cases. Of course the cases are now on line. It appears that your system will eventually result in a huge file, although you can maintain that file "in the cloud" and keep it synchronized with any device you use, laptop, desktop, I Pad, I Pod, or Blackberry.

As I have mentioned in various articles, I think the key to the future is that indexing can now find virtually any document instantly, full text searchable. One of my favorite books is *Scrolling Forward* by David M. Levy. It is the history of the document and a good reminder that "documents" have changed drastically. Now, they can be text, e-mail, Word documents, graphics, photos, video, HTML links, and PDF files, searchable and not searchable. Your system no doubt works well with text, but with the right software and hardware and training, you can accomplish a great deal more.

Of course, I am not sure where you are in your practice right now. I assume you are still in great demand for real estate title work and the myriad issues that arise therefrom. If you have a broader range of needs, including personal writing, memoir, family history, genealogy, appellate work, etc., then you definitely are going to want to store, organize, index, and be able to locate every kind of "document".

Assuming you want to benefit from current technology, you need, as a minimum, a good laptop, capable of handling multiple tasks. If you have staff, you will want a network capability so that you are both/all accessing the same file server. If you have high speed internet, you may want your server to be off premises. Cloud based products such as DropBox, WorldDocs, Google Docs, or Evernote, and others may suit you already. My problem is I live in a rural area with a commercial Hughesnet satellite service that is less than half as fast as my office service. If you have high speed service for a home office, you should be in great shape.

If you are ready for a new laptop, I strongly suggest you contact Brian Cluxton of HMU/Affinity Consulting in Columbus Ohio to build a Dell Laptop for you. Because of my rather robust needs, mine is going to cost \$2500, plus \$400- \$800 to install my programs and configure it remotely, from Columbus. I expect this machine to be the workhorse of the office for the next 4-5 years. **Baron Henley of HMU strongly recommends a second monitor, at least a portable size, so you can work from one screen to the other. The second monitor should be vertical** so you can have a full Word document page to cut and paste to.

He also recommended, and I now have for every member of my office a Fujitsu 1500 series, \$425, desktop scanner. Fujitsu has a "Twain" version, for @ \$600. They allow you to scan any document and save as a "searchable PDF". It is not a flatbed scanner, but it will scan 20 double sided sheets per minute. It has its own Scansnap software, Adobe Acrobat Standard, separate cost \$200, and ABBY O.C.R. software. With Windows desktop search feature, or Copernic Desktop Search Pro, you can do a near instant search of any word in the document. We have been scanning everything into the client's folder. We are not keeping the paper file. We return it to the client, and if she/he does not want it, we shred it. I just wish I had that capability 5000 files ago!

As for what the best program is to help you organize your paperwork, you may want to start with your Microsoft Office Suite. I suspect that Microsoft Office OneNote is similar to Evernote, which was recently strongly recommended to me.

The excerpt below was "Snagged" from the Office Help page using Snagit 10.0. Snagit will capture virtually anything you can see on your computer. You can save as a PDF file, jpeg, text, etc. You can take a video of a series of actions on your computer, and you can add arrows, balloons, text boxes and other items in case you are trying to teach something to someone else. This is Microsoft's description of what OneNote does. My OneNote came with the current Microsoft Office Professional.

Dropbox has been acting up for me, but my son John assures me it works, and works simply. Just set up a Dropbox account. Put anything you want in your public folder that you don't mind others viewing. Set up rules whether they can modify, add to, etc. (My Dad's cousin, Lark Hunter, has set up with Hunter Family Tree in such a folder, and he is encouraging family members to make corrects, additions, upload photos, etc.)

You can also send links for semi-private folders, in Dropbox, so that you and I could work on a project together, say an appeal to the WV Supreme Court of Appeals on a boundary line dispute or will contest.

I know a law student who swears by Evernote. The initial version is free, but once you need its more sophisticated capabilities, you have to purchase the product. Evernote let's you save HTML links, and all the rest. You can access the Evernote file, and the Dropbox via your I Phone, I Pad, Blackberry, Laptop, and Desktop computer. Of course, if you put your large Word Document/Excel index into the Cloud, you may be able to stay with what you are doing now, but access it from any tool.

As I mentioned Copernic Desktop Search Professional indexes every document and word on your hard drive, and, supposedly, remote hard drives (that's where I am having my problems.), and you can bring up those documents whenever you need them.

Of course, I am also most interested in getting my colleagues on board exchanging the best available forms/templates for "document assembly" and feel the Program Pathagoras is the easiest to use for me, and the one with the best potential. So far, the response from my colleagues is minimal, but I am trying to give away my forms as quickly as I complete them, so they/you can purchase Pathagoras and have a valuable library from the beginning. I was headed in the right direction, but failed to realize my staff was collectively ignoring my instructions to use Pathagoras for every document. I was stunned to realize that it was not happening because they were comfortable doing what they always had done.

I wish you good luck in checking out these various products, evaluating them, and adapting them to your needs. **Remember that the Casesoft products, although much more expensive than they used to be have an outliner, a litigating mapping module , deposition indexing module, and a timeline mapping module.** They now try to get you to pay a subscription fee of @ \$1000 year, so I am a bit disenchanted. Anything associated with Lexis/Nexis seems to have this problem.

Buy the Fujitsu Scansnap, just one, right away. You will never regret it. Open DropBox and Evernote and Copernic accounts. They are free! View their tutorials and videos.

Go to the Microsoft website for information about OneNote. If you have Office Pro, you already own the software.

I will always be happy to share ideas and information.

Regards;

Burt

What Do You Need to Know about Deeds? (2010-12-23 21:24)

This is my 71st article posted in 2010. I shall try for 100 in 2011. I hope what I have written is of some continuing value to you and others.

If you are ever going to own real estate, or an interest in real estate you will need a deed, to receive it or convey it away. Two related documents are a deed of trust and land contract, which I shall also discuss.

People call me and say, "I want to put this property in my own, or someone else's, name.",

much like the title to a vehicle or boat. There is a similarity, but a deed "grants and conveys" the interest, or part of the interest, of the seller or "grantor" to the buyer or "grantee".

In early England, the parties to a deed went on the property, found a pebble or a "peppercorn" and in "consideration" of something of value, handed that item to the receiving party. By this act the grantee became "seised"(the owner) of the property. The symbolic act, and delivery of the deed, conveyed the title.

My law school real estate professor, Londo Brown, described "fee simple" or the entire piece of real estate as a pie. The pie can be cut into pieces, and the pieces can be conveyed separately. In WV, the underlying property, coal, oil and gas, and even limestone can be "severed" and reserved by the grantor, or conveyed separately.

And, **different people can own undivided shares of the same real estate.** This happens when a property owner dies and leave property by will or by intestate succession (no will) to his children.

Joint owners can be "tenants in common" in which event when one of them dies, that person's share goes to her heirs. **They can also be "joint tenants by survivorship"** in which event the surviving owner becomes the owner of the entire property the instance the other owner passes on. Most husbands and wives purchase real estate "with survivorship". The resultant transfer in real estate is a transfer of "non-probate property". It is not part of that person's estate.

A deed should have the name, marital status, and spouse of, the Grantor(s). The names of the Grantor(s)/Grandtee(s) should be the accurate full name, or at least first name, middle initial, and last name. It must also include the date of conveyance, the warranty (General, Special, Quitclaim, etc.), "granting language", the County, District, and State where the property is located; any interests reserved, such as a right of way for ingress and egress, or interests conveyed away prior, such as the coal, oil, and gas, and the "back reference". The back reference is the citation to the deed or will which is the source of the Grantor(s)'title. It should list the Grantor(s) or Testator(s) and the date, and book and page number of the document.

It is very frustrating to trace a chain of title to real estate back to a deed or will that gives you no clue how the former owner acquired title to the property. Then the searcher must compare entries in the land books, tracing year by year so as to locate the Assessor's note as to the source of the new entry. I check each five years until I encounter the change, then move a year at a time until located. The clerk nearly always lists the source of title by book and page number.

In WV, most people who borrow money in order to purchase property have to convey "legal title" to the property to a trustee in order to "secure" the lender's interest in the pledged property. If there is a "default", notice is sent, and the Trustee may advertise the sale with a flyer on the Courthouse door and then sell on the Courthouse steps. This is called foreclosure. There are attorneys whose primary focus is protecting borrowers from fraudulent or irregular loan practices. I once got a bank to write off a \$200,000 loan that was improvidently made to a naive, inexperienced purchaser. The loan should never have been made, but the borrowers' parents were good customers and the loan officer failed to use "due diligence".

An "evil twin" to a deed is a "land contract". Land contracts are usually entered into by "substandard" purchasers who cannot get a conventional loan. They agree to pay periodic payments, and even a down payment, and sign a note, just like the grantor of a deed of trust, but the worst land contracts say that even if the buyer misses only the last monthly payment, the seller can declare a default, voiding the contract and depriving the buyer any "equity" in the property, OR the value of improvements. If that buyer is unrepresented, and the seller has the attorney, I think such contracts can be declared unconscionable, but no one should take

that risk. I do not think a lawyer can, in good faith, negotiate such a contract with the unrepresented buyer, but some do.

At the end of each transaction, whether by deed and deed of trust and note, or by land contract and note, the buyer must get and record a release of deed of trust (lien), or the deed from the owner. Always remember to records these items. Without the release of lien, you will not find a buyer. If your deed is not recorded, the seller can actually sell to another buyer. If that buyer is a "bone fide purchaser in good faith", and not a co-conspirator, he/she acquires title and your only recourse is the crooked seller. **SO RECORD YOUR DEEDS, DEEDS OF TRUST, LIENS, AND RELEASES.**

I am not a "deeds and wills" attorney, but I have done my share. Call and I shall help you or guide you to an attorney adept at real estate transactions.

A Reminder to People Who Have Been Injured! (2010-12-18 22:37)

They say Google indexes better on sites with frequent updates, so here is an important reminder post! My divorce clients seem to have a pretty decent understanding of the issues they are facing. The WV Supreme Court of Appeal has responded to the fact that many people cannot afford a lawyer for their divorce or custody case by actually encouraging people NOT to hire one. I think its approach is very misguided. But, with the free forms, and so many people going through the system, family law clients have fewer misconceptions than personal injury clients.

A person who has been injured, in a truck, auto, pedestrian/vehicle, or motorcycle collision, has, literally, been hit by something out of the blue. They haven't watched the problem building over years and usually have not researched what they should do. In severe cases, I may be dealing with a family member and visiting the new client in the hospital.

First, most clients want me to know they are not "one of them", the people who file frivolous lawsuits and seek big recoveries.

Second, they have resisted coming to me, and perhaps seriously impaired their claim, because they assume I will just file a lawsuit. They are relieved to know that I settle more than 80 % of my personal injury claims without filing suit, sometimes using pre-litigation mediation.

Sadly, most people who come to me have inadequate insurance to protect them. It starts with the liability limits of the person who wrongfully injured them, the "tortfeasor". If the at fault driver had a commercial vehicle, usually there is \$1,000,000.00 of liability coverage or more. BUT, many drivers have the minimum, \$20,000 per person. By law, my clients must have \$20,000 of uninsured motorist coverage, assuming my client is a licensed driver, but, partially thanks to companies like Progressive (and the ever chirpy Flo who encourages customers to set their own premiums!), nearly half of customers waive or get woefully inadequate underinsured motorists coverage.

A typical middle class family, who owns their home, have retirement plans, savings, and perhaps a family business, should have a "personal umbrella", usually \$1,000,000.00, BUT they should be very careful to make sure that coverage includes the underinsured coverage.

So, sometimes all I can do is send in copies of bills of \$5000 or more and get the full available insurance and nothing more back from the liability carrier. Those are sad events, and sometimes I charge as little as 10 %. At least I can get the medical insurance subrogation claim waived by my client's medical insurance company. Always I save the client more than he or she pays me.

I always make the client's carrier provide me written proof my client waived the U.I.M. (underinsured) coverage. Several times in my career they failed to get one or lost it, and those people, per the famous Bias v. Nationwide case, get the WV minimum additional coverage of \$20,000.00.

We become quite friendly with our PI clients. Results usually are favorable, and the client shows appreciation. In Divorce, both sides lose. The similarity is that the client has been through a trauma and is picking up the pieces and trying to build back their lives. I have read diaries of injury clients describing months of pain, depression, and hopelessness. Most recover; some do not. Our job is to help them make the transition from injury to the next stage of their lives.

Injuries hardly ever go completely away, in spite of what the insurance adjustor believes. Joints turn arthritic, and torn muscles have spasm, and suffer reinjury.

The law firms that advertise heavily on T.V. sometimes have very good attorneys, but sometimes most clients' claims are handled by junior attorneys, or the lawyers staff. The time tested way to get a good lawyer is to ask around, read everything online about the lawyer you can find, and meet with him and size him up. I have a full time paralegal. She and I get to know the client very well. I have the client come in monthly to fill us in. I update the case to the adjustor monthly also, so they will keep nudging their reserve upward. Nothing is more frustrating than to have an adjustor think you have a \$10,000 case when it is really \$50,000! I try to make sure that never happens.

I investigate the collision myself, take my own photos, and use my background in auto racing, and the many books I have read on the handling of race cars and racing. I use an engineer/accident reconstructionist (one of the best in the business) and the best known insurance expert in the State of WV, in complex cases.

If litigation expenses are likely to exceed \$50,000, I have several firms I can turn to to associate with and share the cost/risk. These skills take decades to develop, and I am proud of them, and proud of my staff.

NEVER, NEVER, NEVER hesitate to meet with a lawyer to discuss your claim. If you find the right lawyer, you will be glad you did!

Tech Update (2010-12-18 21:39)

Where has my Saturday gone? Cantata Practice, two hours at the office, and a nap during the Mountaineer basketball game perhaps?

Just wanted to follow up my "Tech Savvy Office" post. I got a helpful tip toward the program Evernote, a cloud based research tool, and my Son John guided me through the process of creating a "public folder" that allowed me to share the photograph dense, six page PDF, 2010 Hunter Family Christmas

Newsletter with 100 people. I allowed me to create a shortened URL that I could e-mail. Now I have lost that feature from my toolbar and will have to call him again to help me find it.

As of now, I notice these cloud based programs tend to slow down my computer. Not much problem at the office where I have a high speed cable connection, but noticeable here where we have Hughesnet Satellite. I have been pretty disappointed at the intermittent service problems I have had with Hughesnet, but being 5.2 miles south of the main highway, I have no other choice.

Evernote is great in theory, but so far, in spite of watching several video tutorials, it isn't intuitive enough for me. I will persevere because I see cloud based computer as the inevitable "new thing".

Snagit has become easier. I downloaded a new version, and can cut and paste anything from any page. So far it is more useful to me than evernote, although I crave having a listmaker and task list creator that is quicker and less formal than Outlook.

I spent several hours this week consolidating my Pathagorized forms and made and sent to several colleagues templates for a letter we send to clients to help them understand how to respond to our opponents' "discovery requests" and the four documents that a lawyer needs when she/he needs to withdraw from representing a client. I copied Roy Lazris of Pathagoras.com (designer/president) who was kind enough to respond with observations and tips. So far, that has never happened to me with Bill Gates!

I will be setting up a Pathagoras Form subfolder in my DropBox folder, so anyone I authorize can download a form or upload one for the use of others. I really think it will benefit family law practitioners, and attorneys in small offices who have difficulty finding time to design new office practice systems. This is fun for me, but a real chore for others, parents of young children, lawyers who have failed to keep up with technology, etc.

In the long run, I feel that sharing what I know benefits me as much as the person I share with. It softens a bit my reputation of being tough to deal with. I am tough to deal with versus those how are rough or abusive to my client, NOT to lawyers or parties who show us respect and consideration.

13.2 November

How to Set Up a Modern, Tech Savvy, Legal Office (2010-11-26 16:06)



[1]

My practice serves people, almost exclusively individuals, sometimes small family groups, as in a will contest. Having people skills, therefore, is critical.

Of course, other building blocks are also critical, language and writing skills especially. Having some skills at math, in preparing a spreadsheet of a proposed equitable distribution of property or debt, or a demand package with extensive itemized damages, improves the productivity of the lawyer and paralegal.

Being well read and knowledgeable on a large variety of subjects is invaluable to a trial lawyer. If your lawyer is well read, healthy and enthusiastic, you are usually in good hands, **but running a law practice as a hi-tech business is an ever increasingly important factor** for a lawyer to be efficient, productive, and effective. The graph-line for this factor is trending sharply up. Some writers insist it is going almost straight up!

I have watched technology grow from the barely functional voice recorders, to the I.B.M. Electric Typewriter, to the Mag Card, Apple II, the PC, the Internet, Social Media and the iPad. In a cosmic sense, we are barely getting started, but **I now have a sense of where we are going for the next 5-10 years.** It is going to be fun too!

My sense is for all the moaning about connectivity, the distractions of cell phones, texting, Blackberrys, Droids and iPhones, most of us will have to become adept at handling and filtering a constant stream of information. In a way, that is how mankind has survived so far. It is the best hunters and gatherers who were most observant and who processed the most information that fed their families and reproduced.

For me, the ideal is to be constantly in touch with my staff and clients. I do that now with my Blackberry Curve, (Note: recently replaced with an iPhone 4s.) iPad, Laptop, and desktop. Redundancy is essential. **All technology fails eventually.** We still have phones and faxes, but the phone is likely to become “hosted VOIP” through our computer network, and all faxes will eventually be digital.

Scanning will be essential for every paper document, and trees may become more abundant. Clients will keep their files on thumb drives, or even “in the Cloud”; that is, stored remotely in secure servers.

More than ever, the ability to prioritize and focus on tasks will be at a premium. “Efficiency Experts” will probably remain in great demand. Yoga and meditation will become even more popular as information overload permeates our society.

To make this connectivity work, I retained a firm called HMU Consulting from Columbus Ohio, now part of Affinity Consulting Group. They replaced my Microsoft Exchange Server with “hosting” my Microsoft Outlook remotely.

What does that mean? It means that I can access my Microsoft Outlook Calendar, Contacts, Tasks, and E-mail from any of my devices. And they all are synchronized! When the judge says, “Are you available Jan 15, 2011 at 10:30 a.m., I do not have to call my office with my cell phone and pray my assistant is not in the rest room, and she will know of the appointment as soon as I enter it.

Next on the agenda will be learning to use services such as DropBox, Worldox, or Google Docs (Note: and now iCloud and related services. 2-28-2012. J.B.H.) to store documents “in the Cloud”. Download/upload speeds are a bit slow where I live, especially the HughesNet Satellite from home, but soon we will forget what it was like to keep a network server in the office to store all that data. And, if the worst happens, and we suffer a fire or break-in, we can open for business a day or two later at a new location.

Apparently the PDF document file format is the Gold Standard, and all of us will have to own Adobe Acrobat Professional. Federal Court already requires these skills, and attorneys who are not comfortable creating, editing, and using Acrobat and related programs will not be going there. **PDF’s allow for collaborative editing of documents, and removal of metadata** which contains the history of how the document was created, edited, and modified. We are even going to have to know how to affix the dreaded “Bates Stamp” to the documents we file.

Also, the pursuit of the “paperless office” is speeding up. Our office has a **nifty scanner, Fujitsu 1500**, on each desk. This \$425 device comes bundled with **Adobe Acrobat 9 Standard**, and **Abby O.C.R. (optical character reading) software**. That’s \$300 worth of software! With this machine, we can scan 20 sheets (40 pages) per minute, save to searchable PDF, and send via e-mail or save to the client’s folder. We can also save the file as a jpeg (photo) file or other formats. The key is “searchable” since we can retrieve the documents almost instantly with the right search software. Never again will we lug a paper file to the upstairs catacombs. Now to shred the 5000 I already have!

Thanks to Britt Lorish of the Roanoke, Va. Affinity office, I have focused my search for integrated office management software on Tabs3 and Practice Master. My hope is to replace my stand alone computer modules with an integrated double entry bookkeeping program, streamlined timekeeping and billing, payroll, and attorney trust account, all integrated with my Microsoft Outlook and word processing and document assembly. This goal is presently on hold. In spite of a very reasonable \$295 license for a sole practitioner, the real cost is going to be closer to \$10,000! My own proprietary systems will have to serve a bit longer.

While I admire the Mac aficionados who resist the Microsoft giant, I see no real choice but to use the Microsoft Office Suite of programs. This suite includes Word (word processor/outliner), Excel (spreadsheet), Publisher, Outlook, OneNote, and PowerPoint. I will be giving up my **Microsoft Access** billing and personal injury practice management databases. They served us well when other offices were peeling time entries off of sticky sheets and totaling bills with their calculators.

These Microsoft applications are so powerful and hard to master in detail, I have yet to figure out how to get a small, busy, staff trained in all their features, but it remains our goal. The online resources may be the answer; and turning off the phone and locking our doors once a month.

Word processing can become easier with two remarkable tools:

a. Pathogoras (designer/President Roy Lazris) is a Microsoft Word based document assembly application that allows the attorney to mark the “variables” in a document and turn them into an easy to fill out questionnaire without knowing anything about programming. All commands in Pathogoras are Word commands. My goal is for the lawyers to Central WV to develop templates for virtually everything, sharing generously to our mutual benefits, and our clients. **By freeing our time, we should be able to move negotiations, mediations, and cases forward more quickly and cheaply.**

b. Dragon Naturally Speaking is still, elusively, “almost there”. It allows the user to dictate into the microphone while the words print to the screen. I use it for letters, long memos, and orders, but I will not be happy until I stop being "J. Burton Hunter the third", or "lii", and my paralegal is "Letetia", not "Letitia". The instructions say we can “train it”, but my version is a slow learner. Dragon is best with letters, memos, and rough drafts. My paralegals like beginning with a rough draft instead of typing every word herself.

Here are some tips I got from various seminars that I am using right now:

a. Snagit: the tool that allows me to capture any image, photo, map, graphic, or text and save it in a variety of formats. I can print it or e-mail the file.

b. Copernic Professional search engine. Copernic Professional indexes all of the data on all of your drives, so you can search and find, via keywords, nearly instantly. This means that e-mail, order, memo, letter, or scanned document you vaguely remember can appear, almost magically, at your behest.

c. Recording phone conversations, WHEN BOTH PARTIES KNOW THEY ARE RECORDING, can be an invaluable tool for keeping the conversation civil. **The cheap way to do it is the Olympus TP-7; \$20.** Recording without disclosure is usually a “no no”.

d. Handing over to and receiving the kids from other parent when “drinking” is a task that can be facilitated by the use of the Alcohawk Slim Digital Alcohol Breath Tester, @ \$40. Such a tool can increase the level of trust between parents and alert when the alcohol problem is not under control.

e. Double Killer, or something like it, can find the duplicate files or photos that accumulate on your hard drive and delete the extras. Britt Lorish advised that there is no duplicate killer for double entries in your Outlook Contacts, but you can format them to be a line or two, and scroll quickly, deleting as you go.

HI TECH MARKETING:

a. Not every lawyer can advertise on TV. Buckhannon, on the edge of the TV coverage area is particularly problematical.

b. While a robust website such as my www.hunterlawfirm.net site, hosted by West/Thomson’s Findlaw, is not cheap, it can be used in conjunction with some very low cost enhancements.

c. Google Maps, Places, AdWords, Alerts, and Tags, are free or low cost ways to advertise. It may take work to locate your “bubble” in Google Maps, but if I can do it, you can. Then you can upload photos and videos, and list special offers and promotions. Setting an alert for your name or special interest will keep you informed when those words appear on the Internet. The yellow tag draws attention to your entry, and when I added it, my posting got higher on the list. If they don’t find you in the first 2-3 entries, they probably won’t call you!

d. Chatty lawyers like me can, of course, have their own BLOG! I love educating potential clients and

challenging and sharing ideas with my colleagues, via my very own magazine/newspaper, the blog titled: www.burtonhunteresq.blogspot.com . Boring it may be (I'm trying!!), but there is substance and thought there for someone who needs information or wants to evaluate me by what I espouse. And there is always the chance it will "take off" and create chatter and attention to you site. But remember, "Content is King." so provide your readers useful information.

e. Other Social Media allow an attorney to identify "friends" and colleagues and connect and communicate with them. Facebook, while social and personal, allows you to create your Professional or Business page with unlimited "friends" and link it to Twitter and your blog. The more links, the more visible you are on the Internet.

f. LinkedIn is more formal and allows a broader network of purely professional and business connections. Recent updates show that my professional contacts are adding some personality to their sites too, books they are reading, organizations they are joining, etc.

g. Twitter can be linked to your other sites, and the 140 character limit requires you to be concise, but you better have good content, or wit!

h. YouTube is a good place for your professional ads and informational videos. It can link to your other sites.

We all must find our way in this challenging profession; perhaps I am tired of the old grind and playing with these "toys" out of boredom. I admit to loving, and hating, the technology. But the true attraction is using these tools to multiply my capabilities and my staff's.

Adding a dab of creativity, humor, and originality adds interest to my days. In the end, only technology that makes us more productive and effective meets the test for survival. I hope these thoughts help some other attorneys work through the maze of options, and show a few potential clients that I am serious about using technology to protect their interests.

[EMBED]

1. <http://hunterlawfirm.net/wp-content/uploads/2010/11/Burt-Phone.jpg>

One Week, Out of My 1900 On Earth So Far (2010-11-05 19:36)

(As I read this more than a year later, I look back on a week where we had 8 mediations in six working days. Six were successful. That leaves two that may go to trial. Think of the burden on our court system if we were not settling three out of four. 02-28-2012, J.B.H.) (And now I read this, 3 years later, and am reaffirmed that time does not wait for us. 02-27-2-2015. jbh)

It was just another week.(He says slyly.) Next week, I will be able to recall it with a glance at my calendar; then it will quickly recede in memory.

So, what does a small town trial lawyer do in a typical week? Since you asked, I shall tell you:

- 1. When friends Tim and Susan Miley posted their informative article on what a person should do if she is in a serious auto collision,** I posted, "Call Burt Hunter?" They did not respond. Tim was returned to his seat as a WV Delegate, so I doubt that he had time to notice my impertinence.
- 2. Got a low ball offer from an insurance company who shall remain nameless,** for now. Clear fault, \$50,000 in medical bills and lost wages, and my client's "underinsured coverage" adjustor valued the claim at \$85,000. Should be more like \$200,000, so it looks like they may make us file one of those "frivolous lawsuits" the insurance companies want you to believe we like to file.
- 3. Convinced the WV Dept of Health and Human Resources Child Protective Services to interview some children** and am thrilled they are recommending that the State of WV intervene, with the Father, to file a petition in Juvenile Court to protect the children. Yea!!
- 4. Watched our highly skilled mediator, Scott Curnutte, and two honorable opponents, Steven Nanners and Daya Masada Wright, work with me in getting two written and signed parenting plans, two property and debt settlement agreements, and two final divorce orders in back to back mediations;** four hours and six hours respectively! These compromise settlements saved the clients as much as \$10,000, and improved the lives of four children. That makes for a very satisfying couple of days.
- 5. Collected a nice check for an injured client who really needs it.** She is going through two major life crises. I am always happy to pay my bills too.
- 6. Received an order from a judge, coldly, with no findings, and without even reading my motions, denying them,** and implicitly telling me I was stupid for filing them. Judge may be right. We will learn when the circuit court rules on our appeal.
- 7. Met by phone with the State Bar Committee on Social Media.** We had a fascinating discussion. Clearly, lawyers are going to have a lot of trouble grasping the revolution that is upon us. Not that we are not smart; most of us are, but we generally don't like change. Now, most divorces are affected by Internet antics.
- 8. Will have to work Saturday,** but, tonight and tomorrow, we also get the spend quality time with our Grandson Grady, and Mother Jessica and Father, our son Justin!

(Note: most lawyers, over a year after I wrote this, are not comfortable with social media or Internet marketing. It takes effort, some creativity, and it must be something we like to do. It's not everyone's cup of tea. As I read this "blog book", I sometimes wince. Too wordy or lecturing at times, but there is solid content here that I hope will be helpful to my readers. 02-28-2012, J.B.H.)

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How an Attorney Can Be a Good Adversary (2010-11-01 22:42)

I have been writing some criticisms of other attorneys. No matter how well intentioned, this can seem mean spirited. For a change, I shall write what I think it takes to be a "good adversary", that is, an attorney who is professional and effective. Every good lawyer likes to encounter such an adversary.

- 1. A good adversary will be measured in her criticism of other attorneys** and not be too quick to call them or their clients "liars". This is a trait I have yet to master. I do not use the "L" word, but even my measured words, filled with my own self assurance, tend to come across as too harsh. I continue to work at this weakness.
- 2. A good adversary prepares his client well.** He does not hide the ball, but diligently helps his divorce client identify and inventory assets and debts. This includes 3 years of state and federal income tax returns, with all schedule, a printout from the employer of all retirement benefits, life insurance, savings and credit card account balances, vehicle and personal property values, account numbers, and account balances.
- 3. The equivalent to this information in personal injury claims** is all medical bills and records, documentation of lost wages and benefits, client diaries, and "lay witness letters" describing the claimant's behavior before and after the collision.
- 4. A good adversary, when assigned to do an order by the Court , completes that order in less than a week,** copies the other party, allows input when possible, and does not unduly slant the draft order, or embellish it.
- 5. On the other hand, a good adversary will not unduly object to an order** that captures the Court's meaning in order to quibble over unnecessary details.
- 6. A good adversary does not "play dumb"** by pretending not to understand the plain meaning of a "discovery request" sent by the other side.
- 7. A good adversary will require a sincere effort by the client in gathering the information needed to answer reasonable questions.** This exchange of information is called "discovery". It is not fair to say we do not have certain information if a trip to the bank, or several phone calls, can obtain the information.
- 8. A good adversary will address the legitimate concerns of the other party,** whether contained in letters of complaint or brought up in mediation.
- 9. A good adversary avoids "Hiding the ball" by denying events the other party knows happened,** or denying a problem, such as alcohol or drug abuse, that requires candor to solve.

10. **A good adversary will respond promptly to letters of complaint** from the other side. He should insist on honesty from his client, keeping in mind risks associated with "self incrimination".
9. **The responsive letters should focus on facts**, especially provable facts, clarifying any misapprehension by the other side, apologizing where appropriate, assuring that corrective action has been taken, and denying false accusations without histrionics or overreaction.
10. **These responses may fairly include counter-criticism but NOT to justify bad behavior by the attorney's client.** For example, just today a party attempted to justify allowing her son to miss his remedial English class by saying he had "already missed 3-4 sessions" while under the care of the Father. Some excuse!
11. **A good adversary appears at mediation and trial well prepared**, having provided copies of key exhibits to the other side.
12. **A good adversary comes to settlement meetings with IDEAS.** That is, ideas that have a win win component, or strong support, in the law or the facts. e.g. A claim for rehabilitative spousal support will help the custodial parent get more education and training so that parent will better be able to support the parties' children.
13. **When the claim is for permanent alimony, copies of the Alimony Statute should be brought to the hearing**, to help the mediator explain the 19-20 factors the WV Legislature and Supreme Court have identified and applied in determining the duration and amount of alimony. When alimony is awarded in accordance with the law, it is often fair.
14. **A good adversary is honest with the Court and her own client.** Encouraging the client to believe the other counsel is vindictive, incompetent, or dishonest is problematical even when true. Most of the time there is something meritorious in what the other side is attempting, or some reason to do what they are doing. The good adversary explains, explains, explains, until the facts sink in. When the client is too stubborn to accept the truth, a parting of the ways may be necessary.
15. **A good adversary tries to show respect for the other attorney's professionalism, and tries not to take the bait when provoked by the other lawyer.** This one is very tough for me. I keep thinking my 38 years of making mistakes and learning from them, should be respected by my peers, even the young "whippersnappers", but they keep thinking that since they are young and smart, I should agree with them.
16. **Most of us have not chosen this profession because we are shy, and both attorneys have to work hard so their own competitiveness does not get in the way of a successful negotiation.**
17. **In Court, frivolous objections such as "hearsay" or "relevance" are a waste of everyone's time.** An experienced judge knows "lawyer b.. llsh...t" when she sees it. On the other hand, a good advocate facilitates the testimony of friendly witnesses, or his client, WITHOUT testifying himself.
18. **A good advocate does not misstate the witness's previous testimony in order to trick him.** An attempt to twist the witness's statement, or mislead the jury, will not impress them.
19. **Opening and closing statements, to a Jury, Judge, or Mediator, should be concise and accurate.** The opening should be the roadmap for that party's case. The closing should include a fair summary of the testimony and cogent argument why the fact finder should rule in that party's favor.

20. A good adversary keeps long term goals in mind. A pre-litigation mediation can save BOTH SIDES tens of thousands of dollars of litigation expenses. Insurance companies can be persuaded by such logic.

21. DON'T reflexively accuse the defense counsel of resisting settlement to earn a bigger fee, even if it appears to be true.

22. In Family Court, an outcome that is fair to both sides is usually better for the children. Barring serious domestic abuse, and some drug or alcohol problems, each party deserves to be treated with dignity and to leave the Court knowing the Court carefully considered their point of view.

23. Good adversaries bill fairly, and tender detailed, itemized bills, when seeking an award of attorney fees.

24. And, a good adversary follows the spirit of Rule 11 of the Rules of Civil Procedure, which prohibits frivolous pleadings and lawsuits. The lawyer for the party receiving such a pleading, should give the offending lawyer plenty of notice to clean up her act. Twice recently, I saw the lawyer had overstretched the client's position. In one instance, the other lawyer withdrew the pleading without having to admit any big mistake. In the other, there was still plenty of "fuss and fury".

At the heart of these suggestions are honesty, competency, humor, compassion, and intelligence. We can all improve in these areas if we try.

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5. On the other hand, a good adversary will not unduly object to an order that captures the Court's meaning in order to quibble over unnecessary details.

6. A good adversary does not "play dumb" by pretending not to understand the plain meaning of a "discovery request" sent by the other side.

7. A good adversary will require a sincere effort by the client in gathering the information needed to answer reasonable questions. This exchange of information is called "discovery". It is not fair to say we do not have certain information if a trip to the bank, or several phone calls, can obtain the information.

8. A good adversary will address the legitimate concerns of the other party, whether contained in letters of complaint or brought up in mediation.

9. A good adversary avoids "Hiding the ball" by denying events the other party knows happened, or denying a problem, such as alcohol or drug abuse, that requires candor to solve.

10. A good adversary will respond promptly to letters of complaint from the other side. He should insist on honesty from his client, keeping in mind risks associated with "self incrimination".

9. The responsive letters should focus on facts, especially provable facts, clarifying any misapprehension by the other side, apologizing where appropriate, assuring that corrective action has been taken, and denying false accusations without histrionics or overreaction.

10. These responses may fairly include counter-criticism but NOT to justify bad behavior by the attorney's client. For example, just today a party attempted to justify allowing her son to miss his remedial English class by saying he had "already missed 3-4 sessions" while under the care of the Father. Some excuse!

11. A good adversary appears at mediation and trial well prepared, having provided copies of key exhibits to the other side.

12. A good adversary comes to settlement meetings with IDEAS. That is, ideas that have a win win component, or strong support, in the law or the facts. e.g. A claim for rehabilitative spousal support will help the custodial parent get more education and training so that parent will better be able to support the parties' children.

13. When the claim is for permanent alimony, copies of the Alimony Statute should be brought to the hearing, to help the mediator explain the 19-20 factors the WV Legislature and Supreme Court have identified and applied in determining the duration and amount of alimony. When alimony is awarded in accordance with the law, it is often fair.

14. A good adversary is honest with the Court and her own client. Encouraging the client to believe the other counsel is vindictive, incompetent, or dishonest is problematical even when true. Most of the time there is something meritorious in what the other side is attempting, or some reason to do what they are doing. The good adversary explains, explains, explains, until the facts sink in. When the client is too stubborn to accept the truth, a parting of the ways may be necessary.

15. A good adversary tries to show respect for the other attorney's professionalism, and

tries not to take the bait when provoked by the other lawyer. This one is very tough for me. I keep thinking my 38 years of making mistakes and learning from them, should be respected by my peers, even the young "whippersnappers", but they keep thinking that since they are young and smart, I should agree with them.

16. Most of us have not chosen this profession because we are shy, and both attorneys have to work hard so their own competitiveness does not get in the way of a successful negotiation.

17. In Court, frivolous objections such as "hearsay" or "relevance" are a waste of everyone's time. An experienced judge knows "lawyer b.. llsh...t" when she sees it. On the other hand, a good advocate facilitates the testimony of friendly witnesses, or his client, WITHOUT testifying himself.

18. A good advocate does not misstate the witness's previous testimony in order to trick him. An attempt to twist the witness's statement, or mislead the jury, will not impress them.

19. Opening and closing statements, to a Jury, Judge, or Mediator, should be concise and accurate. The opening should be the roadmap for that party's case. The closing should include a fair summary of the testimony and cogent argument why the fact finder should rule in that party's favor.

20. A good adversary keeps long term goals in mind. A pre-litigation mediation can save BOTH SIDES tens of thousands of dollars of litigation expenses. Insurance companies can be persuaded by such logic.

21. DON'T reflexively accuse the defense counsel of resisting settlement to earn a bigger fee,

even if it appears to be true.

22. In Family Court, an outcome that is fair to both sides is usually better for the children. Barring serious domestic abuse, and some drug or alcohol problems, each party deserves to be treated with dignity and to leave the Court knowing the Court carefully considered their point of view.

23. Good adversaries bill fairly, and tender detailed, itemized bills, when seeking an award of attorney fees.

24. And, a good adversary follows the spirit of Rule 11 of the Rules of Civil Procedure, which prohibits frivolous pleadings and lawsuits. The lawyer for the party receiving such a pleading, should give the offending lawyer plenty of notice to clean up her act. Twice recently, I saw the lawyer had overstretched the client's position. In one instance, the other lawyer withdrew the pleading without having to admit any big mistake. In the other, there was still plenty of "fuss and fury".

At the heart of these suggestions are honesty, competency, humor, compassion, and intelligence. We can all improve in these areas if we try.

13.3 October

The Dilemma of the Difficult Client (2010-10-22 22:30)

Attorneys represent all conceivable interests. The Catholic Church, General Motors, non-profits, insurance companies, and the President, have attorneys.

Some of us represent individual human beings, not very wealthy individuals, almost exclusively.

Today I had an extended discussion with an attorney who I have been barely speaking to. We have a very difficult case together. In the heat of battle, we have frequently insulted and demeaned one other. At the heart of our discussion today was how does an attorney represent a "difficult" client in a family law case?

I believe my colleague has it wrong, and he believes the same thing of me. I interpret his argument to mean that if the client has unwise goals or misguided short term goals, the attorney must pursue those goals without regard to his own values.

I assume that my colleague and I will each recommend and guide the client towards worthy goals. So, **the real question is, "What does the attorney do when the client will not follow his advice?"**

If the attorney says, "I recommend that you post nothing on Facebook about your divorce, and don't start dating until the divorce is finalized.", and the client hops into bed with the first warm body she finds, and trashes her spouse on Facebook, I say it is "par for the course", and I have a serious, detailed, discussion with the client regarding the ramifications of such behavior. Same thing for a client who "falls off the wagon".

On the other hand, if a client consistently, stubbornly, even hostilely, resists the guidance of the attorney so that it becomes clear their goals are mutually repugnant, I believe the attorney has no choice but to withdraw from representation.

And, in the interests of honesty, a lawyer usually cannot work for free. It is much easier to say goodbye to the difficult client who does not pay than the good one who runs out of money.

I also believe that if the client is well prepared by the attorney for mediation or settlement negotiations, and makes a reasoned decision to enter into a compromise agreement, and later **repudiates the agreement**, the attorney, in good conscience, should resign.

This does not cover cases where the client or the attorney forgot a critical fact which changes the effect of the agreement, where behavior of the other side shows bad faith, or where the specifics of an ambiguous provision are not what the client expected.

A perfect example of a time for an attorney and client to part ways occurs when the father of the child is authorized by the Court to pick up the child after school, and the mother insists on being present. If the Court gave him this time, her refusal to obey the Court and her attorney's instructions should result in a parting of ways.

An example of the other view on this issue is that even if the client has multiple criminal alcohol related charges in one year, and evidence of frequent and heavy alcohol consumption, but denies having a problem, the attorney should stay on the case and deny the problem to the Court, opposing counsel, and himself!

I could not disagree more! As an officer of the Court, a lawyer has a fiduciary responsibility to speak honestly to the Court, an ethical responsibility to act honorably, and a moral responsibility, to the children and to his client. He should not be an enabler. I also feel a strong responsibility to the other parent to deal honestly and professionally.

My view never prevents me advocating for my client in court. But, when I learn that my client was found by the police, passed out in a running vehicle, head resting on the steering wheel, radio blaring, and unable to pass the simplest sobriety test, I will not deny that fact or hide it from the Court.

In the long run, I believe I am more true to my client, her children, and myself, than the attorney who sticks with an impossible client to the bitter end and excuses, or hides, that behavior from the Court.

I know that if I leave the “difficult” client, there will always be an attorney with my colleague’s point of view, happy to take the client’s money and do whatever that client wants. The client will be happier with that attorney, but I will be MUCH happier representing the ones who will follow my advice.

Following my approach does not mean I will not represent an alcoholic, or an abusive spouse. I will help him or her pursue a plan of rehabilitation that will restore health, self-respect, and parental rights. I have done so in long and difficult cases as long as I felt the client was struggling to do the right thing and to follow my advice.

As our debate concluded, my friend opined that my view is contrary to what he learned in law school. I learned very little in law school about representing real people.

Yes, we learned “rules of ethics”, very strict rules, but they seemed more aimed at protecting the profession than helping people.

HOWEVER, I refuse to ignore wisdom I have acquired from places other than law school.

I am comfortable thinking that my experience of representing at least 5000 individuals over 38 years, and extensive reading and thinking, have prepared me to guide people through the minefield of their family law, personal injury, or civil, disputes based on appropriate values and appropriate goals.

Those who want a "mouthpiece" to carry out their every whim, so long as they pay promptly, should hire my colleague, not me.

The Dilemma of the Difficult Client (2010-10-22 22:30)

[1]

1330



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1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>

Common Sense, Political Correctness, and "Literacy". (2010-10-21 18:47)

[1]



Today Juan Williams was fired from N.P.R. because he went onto the Bill O'Reilly show and said that people in "Moslem dress" make him nervous in an airplane. Within context, he was making a point about stereotypes and extremism. He GOT CANNED by N.P.R.

Glen Beck calls persons of a liberal bent idiots, and the President a Communist. Rush calls the President the Devil and Demonic.

Sorry, I cannot find it right now, but **I read an article in Smithsonian Magazine** about the most powerful political figure in American during the Era of Prohibition. I am sure you can find him if you Google it, but he is pretty much forgotten now. What happened is he focused a powerfully motivated minority of the people, much like the NRA today, and now perhaps the Tea Party movement, on electing officials who supported Prohibition.

Truth was, a passive majority did not want to outlaw alcohol, but his movement caused politicians to shake in their boots. But he got it passed. When it was repealed, my Grandpa Hunter took my father, age 9, and uncle, 11 to a local bar where they had a beer, and arrived home in a condition which scandalized

my Grandma, who probably was just fine with prohibition.

Please know that the radicals on the right and left do not deal in facts; they deal in dogma, insults, formulaic solutions, and fear.

These folks DO NOT believe in majority rule, which, by the way, can be a tyranny in itself. The Greeks and Romans spent time discussing such things. The "true believers" on the left and the right want to IMPOSE their views on you.

My perspective on such things was changed forever by an essay I read in law school, Natural Law, by Oliver Wendell Holmes, Jr. He starts by pointing out that the drunk at the bar will fight you if you don't agree his girl is the prettiest God ever made.

He proceeds to talk about those who have rigid beliefs, those who feel the world is controlled by "Natural Law" that they have figured out, usually based upon some religion's tenets. He explains there is no "natural law", **but states there are a collection of "can't helps" that govern his moral and ethical sense.** He includes law against murder or rape as consistent with his "can't helps".

I cannot help but believe that a person who says, "I don't believe in evolution. It's only a theory." is ignoring plain scientific fact. Many politicians know that but cannot say it, because you cannot be a "tea party-er" and believe otherwise.

I can't help but believe that if you have not read Darwin, or one or more of the dozens of excellent science writers who have explained evolution, you have no right to say you don't believe.

I believe that saying that all (liberals, conservatives, Steeler Fans, Methodists, Moslem's, West Virginians, or LAWYERS) are idiots, or corrupt, or dangerous, tells us much more about the speakers than about those groups.

I believe that a Mother or Father that involves their children in the divorce, who tells the kids bad things about the other parent, or who allows others to do so, or starts following a destructive path for short term pleasure, are committing a terrible wrongdoing, and that the children may suffer from that behavior for a lifetime.

I believe we have a responsibility to be as literate as possible. How can we guide others, or ourselves, if we don't understand science, keep up with the news, seek information on important issues of the day from many sources, read a worthwhile book or magazine once in a while, and think outside of our particular religion or political party.

The sad thing about today's politics is that our country has no clue how to deal with the chaos being caused by the aging of the "baby boomers", and by racial prejudice and fear, drugs, and sex.

When we try to discuss it, much like the ladies on The View, we throw insults and storm out of the room.

Our politicians cannot risk trying to have rational discussion or debate. Political ads are for idiots; believe any of them and you are crazy. Go to other sources, to someone intellectually honest, even if they are labelled something you disagree with.

I have found Bob Woodward to be fair, so I read each of his books. On the news, you only hear the provocative things Woodward says, usually out of context. The book is 400 pages, but most of us know 1

% of what he said.

We are fragmenting. Our kids don't watch the news. Why else would the news advertise laxatives, pain relievers, artificial knee joints, and Viagra!? They are in a world unto themselves, in an educational system controlled by stagnation and mediocrity.

I will get back to some topics on injury claims, family law, deeds, wills and contracts, and lawsuits, soon, but for today **I just wanted to complain a bit about the direction our confused society is taking.**

Thanks for taking the time to consider it.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/05/MeetingYourLawyer.jpg>

Common Sense Advice for the Personal Injury Claimant (2010-10-03 17:25)

[1]



Dear Client:

Here are some basic tips:

1. Your claim is private, to you and your spouse. We suggest you not discuss it with others. An exception is when we ask "lay witnesses" to write letters on your behalf.

2. Your acquaintances and family, and even you, have preconceptions about personal injury claims, and lawyers. Please give us the benefit of the doubt that our values are similar to yours, and we will be asserting claims to what you are entitled to under the law. Never brag what you expect to be getting.

3. Some attorneys would have you cancel all your social media accounts, NOW, and I respect that opinion. What is not there cannot be used against you.

4. I like my approach. You are going to need your friends and family. My wife and I have prayed for dozens of people and families going through illness and injury from requests we found on our Facebook Home Page. Having your Facebook Friends as a part of your support network can help.

5. But, at the very least, go visit your site, and study your profile. If it says too much or is inaccurate, fix it.

6. Review your content with the assumption that the insurance adjuster will be viewing it. Signs of tolerance for drugs, profanity, or excessive consumption of alcohol must go. No, we aren't trying to take away your individuality. We just want you to portray a clean-cut image.

7. Unless you are a candidate or are promoting yourself commercially, **all settings should be "friends only."** When you get an alert, or Facebook is "upgraded", check those settings.

8. Don't post specifics about your injury or recovery, but, more importantly, anything you post should be consistent with what you tell us.

9. Need we remind you that **we need accurate information from you**, diary entries that don't exaggerate or minimize, and DO NOT POST PHOTOS OF YOURSELF ENGAGING IN ACTIVITIES THAT WE ARE TELLING THE ADJUSTOR YOU CAN NO LONGER DO, UNLESS THEY ARE DATED TO SHOW THEY WERE YOUR PRIOR ACTIVITY. If you ran marathons or ran the rapids, keep those postings up. **10. Keep us informed of your progress, treatment, and setbacks.** We will pepper the adjustor with information that she can note in order to set an appropriate "reserve value" for your claim.

11. Some lawyers no longer like their clients to keep a journal. (see #3 above.) I prefer that you do. Give us examples of what impact your injuries have, activities you have to defer, services your spouse, friends, family have to do for you, and descriptions of pain, inconvenience, and limitations. But, as you improve, report it accurately too.

12. Call us when you have questions!

1. <http://hunterlawfirm.net/wp-content/uploads/2013/05/MeetingYourLawyer.jpg>

Social Media, the Internet, Texting, and E-Mail (2010-10-01 19:57)

[1]



And, TIPS to the Family Law Client:

(Note; February 10, 2012. The passage of time since this was posted has proven the importance of the advice below. Now, every Facebook account can be downloaded in its entirety. The vast majority of family/divorce/custody cases have social media content as evidence. People have and will lose their cases, their money, and their children, by allowing inflammatory or dangerous information about themselves to be posted. People are going to be on the Internet, but, just like in the jungle or the swamp, they must be well prepared if they are to be protected.)

1. This memo cannot touch the power and complexity of digital communication. But, do not doubt one thing. Your case can be grievously damaged, or helped, by the content of your digital communication. And our opponent's mistakes can help our case. Don't forget this!

2. The question of how to conduct yourself regarding Facebook, Twitter, and the rest, and your e-mails, and your texts, **has one overriding principle:** People who conduct themselves ethically, morally, and responsibly have an edge over those who do not.

3. Please understand that the Court does not think your postings are confidential. Just as your friends can betray you and gossip about you, your "Facebook Friends" may not be friends at all. If you are in litigation, or may be soon, assume that your Facebook, MySpace, Link'd In, and Twitter are being accessed by someone whose interests are different than yours.

4. If your "adversary" can demonstrate your bad behavior, bad companions, or bad values, he/she will use this evidence to defeat what you want.

5. Assume that your search history is available to others, so porn, especially child porn, drug abuse, casual alcohol abuse, your tattooed companion, that "great" karaoke party, and the rest can become evidence at trial.

6. Even when it is never used in trial, negative stuff from the computer can enrage the other

side, cause them to fear you cannot protect the children, and poison the atmosphere at mediation.

7. Several colleagues have suggested to you that I “require” you not use Facebook or other social media. To me, that is akin to telling you not to use your phone or fax machine. And, it is as hopeless as telling my clients not to date.

8. I sincerely believe that dating shortly after a breakup is usually foolish and short-sighted, if only because it makes the “other side” crazy. It also gives the wrong message to your kids, and diverts energy better invested in your financial health, and the health of your children. So, also, much of what we do on the Internet is foolish and destructive. **(Editor: Since many of you have or will ignore my advice on this one, here’s are suggestions to help mitigate your error: a. Pick someone you aren’t ashamed for embarrassed to be seen with. The fewer tattoos the better. b. This person must be free of drugs, alcohol dependency or a criminal record. ASK around, and look him/her up by full name and date of birth. [What he/she is offended to be asked? I would wonder why] Ignore me on this one and don’t be surprised to lose custody of your child. c. Evan if the other party will "go ballistic", send a text or e-mail with your new "significant other’s" full name and date of birth. [You had better do an Internet search yourself before doing this though!] Explain to your "ex" what contact the person will have with the kids and that she/he has promised not to be part of any continuing conflicts. But, if you can just hold off for awhile, realize you don’t have the time and the funds for a serious relationship, and focus on your children, your job, and your health, you will be better for it. 2-27-2015)**

9. But your “social network” can also help pull you through this difficult time. Remember, they may not tell you, but your real friends will NOT be impressed with your bashing of your estranged spouse, or your whining. And, it bears repeating, bash your spouse, whine, rant, brag, curse, plot, assassinate character, and post bad photos and videos at your peril!

10. You may wish to consider having separate "lists" of Facebook Friends, Family and close friends, acquaintances, colleagues, and public figures, and post appropriately to the various lists. (Editor; BUT, just trying making this work in light of FB’s fluid privacy rule and settings! The better rule? Post as if your adversary reads every word! 2-25-2015)

11. So, put your children first, do not involve them in the fight, moderate alcohol, avoid drugs and druggies, discourage friends and family from acting up, and be very, very, very careful of what you send, receive, browse, print, post, and view on your computer.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/05/MeetingYourLawyer.jpg>

13.4 September

Various Insurance Coverages - Limiting the Loss (2010-09-17 20:29)

[1]



I am reissuing this post from Sept., 2010 because I have again met a client who was injured by a driver with limited insurance. Yep; \$20,000 in medical bills, and serious permanent injuries, but the "tortfeasor" has just \$20,000 per person total personal injury liability coverage!

My client has no "medical payments" coverage, no medical insurance of his own, and no "personal umbrella" to supplement his various basic coverages. What does this mean? Read on.

Auto Coverage:

1. Personal injury liability: minimum limits in WV \$20,000 per person, \$40,000 per occurrence. 2-4 days in the hospital will exhaust this, so I suggest at least \$200,000 - \$600,000. Your personal net worth also affects this since I assume you don't want to file bankruptcy.

2. Property damage liability: Have you priced a "loaded" SUV lately? \$50,000 - \$200,000.

3. Medical Payments coverage, aka Family or Med Pay coverage: Companies are easing away from this coverage, but I suggest at least \$25,000. This pays for your medical bills, ahead of your own medical insurance, even if you were at fault, and it protects your passengers and family.

4. Collision: this coverage allows you to fix your own car, even if liability is contested, or you were at fault. The "deductible" affects your premium. If you can have a fund set aside for the deductible, have as high a one as you can afford; at least \$1000, and if you drive a clunker, consider whether you even need collision insurance. Makes no sense to have \$1000 deductible on a \$1000 car.

5. Uninsured Motorist coverage: "U.M.;" \$20,000- \$40,000 is mandatory in WV. This pays when the guy who hit you has no insurance! Remember, if you get minimum coverage, and are in I.C.U. for 10 days, this will pay for the first couple! Suggest \$200,000 - \$600,000.

6. Underinsured Motorist coverage:"U.I.M." This kicks in if the guy who injures you does not have enough insurance. In WV, you get a minimum of \$20,000- \$40,000 unless your carrier can produce a written form (known as a Bias waiver from the famous WV Supreme Court case.)signed by you. You would be amazed how many waive this coverage, and the happy Progressive Insurance spokesperson, Flo, will be happy to have you "name your price" and ruin your life. It used to be that \$20,000 of U.I.M.coverage was nothing because the insurance company deducted any liability coverage the other driver from your coverage amount. Our Supreme Court prohibited this, but it is still the law in VA! Again, I suggest \$200,000 - \$600,000. This is coverage you can assert as if the other guy carried that much liability insurance! Your company stands in his shoes instead of or in addition to his coverage.

7. Personal Umbrella: This is fascinating coverage, at least when you need it! Let's say you have your house paid for, a few hundred thousand in your I.R.A., \$50,000 or so in savings in investments, and vehicles worth \$50,000 - \$100,000. You have too much to go bankrupt, so maybe it is time for an "Umbrella", for a rainy day, get it?? \$1,000,000 in coverage is darn cheap, partly because your company will demand you get certain minimum coverages to assure that a claim against the umbrella is rare. THIS IS VERY IMPORTANT. BE SURE YOU HAVE IN WRITING THAT THE \$1,000,000 UMBRELLA INCLUDES YOUR UIM AND UM COVERAGES, OR YOU COULD BE HIT BY AN UNINSURED OR UNDERINSURED DRIVER AND LOSE YOUR HOUSE, BUSINESS, RETIREMENT, EVERYTHING. SOME UMBRELLA! This almost happened to some friends. Their agent talked them into an umbrella but failed to offer them the UM and UIM. Fortunately, WV law required them to do so, so the coverage was obtained. Don't count on being so fortunate! Get the coverage IN WRITING.

Write me via "comments" below or to hunterjb@3wlogic.net with any questions. If I don't know the answer, I can always send you to Vince. jbh.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/BurtBest.jpg>

I Have Been Hurt by a Negligent Driver, What Can I Claim? (2010-09-16 21:23)

[1]



My new personal injury clients often tell me, "**All I want is my medical bills paid.**" We can do that, assuming:

- a. Fault by the other party; and,
- b. A fund of insurance or others resources to satisfy your claim.

West Virginia personal injury law permits you to claim reimbursement for reasonable medical expenses proximately caused by the negligent act, lost wages, physical pain, suffering, and discomfort; emotional loss (psychic pain); loss of enjoyment of life; aggravation and inconvenience; permanent impairment; and disfigurement.

Such damages are typically several times, two to ten, of your medical expenses.

Although **claims can be reduced by pre-existing conditions**, I usually recover more because a vulnerable, pre-existing, condition often leads to more severe injury. Common sense tells us that a weak or sore back is likely to be more seriously injured in a rear end collision or fall on ice than a strong, healthy one.

BUT, I urge my client not to brag to a friend in the check out lane at their food store **about the**

"big bucks" they expect to get. Once, I got a call from the checkout clerk alerting me to my client's brags and the impact it had on others in the line. DON'T DO IT!

A settle pre-suit of \$75,000 is worth as much as a \$125,000 jury award when risk, delay and expense are considered. Our fee percentage is less (20 %-25 %) if suit does not have to be filed. After suit it is % 33 1/3 to % 40, depending on the complexity.

A valuable tool, after AND before suit, is mediation with a capable civil mediator. No competent personal injury lawyer will send you alone to mediation. They know that would be crazy. Sadly, in much of our state, family law lawyers often are not so perceptive.

A good lawyer can negotiate twice the settlement that you can, covering her/his fee and expenses and still netting you more, and quicker.

Don't hesitate to write via comment here, or to hunterjb@hunterlawfirm.net, or call 304 472-7477 , for more information.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/03/VintageOffice2.jpg>

Comparative Fault in WV (2010-09-15 22:05)

[1]



Hmmm.....20 promised articles.....8-10. How about 3 tonight. I wrote to the WV State Bar Social Media Committee some thoughts, answered some calls, received one, and walked the dogs, and here I am. **(Editor: as I edit this post, the new "Red" WV Legislature is rewriting a great deal of the employment, environmental, insurance, and personal injury law in the State. Comparative Fault will be one of the laws changed, under the "Joint and Several Liability" bill. Just another reason to have an experienced, up to date, personal injury lawyer on your side. 2-27-2015.)**

Personal injury law in WV is based on fault. If you make a mistake (negligence) and injure someone else, you are legally responsible, SO carry insurance.

WV requires us to carry \$20,000 per person and \$40,000 per occurrence of personal injury liability insurance. Homeowners are largely free of serious injury claims because the standards to recover from them if you are a social guest is very high.

Commercial establishments are liable to their customers for their negligence. WalMart never saw a claim it felt was just (this of course is an exaggeration, a SLIGHT exaggeration.)

WV allows claims for defective products, the three wheeler that is inherently unstable (they don't make them anymore!), the Coke with a dead mouse or severed thumb, etc, and the vehicle that rolls over because of a design defect.

In the most basic case, a car wreck, the claimant can recover if the other driver was 51 %, or more, at fault. If the claimant was 20 % at fault, he/she gets 20 % less, and if the claimant was 50 % at fault or more, she/he gets nothing. It is that simple.

Good lawyers and claims adjustors understand these concepts and **settle most cases without suit.** A lawyer who is quick to file suit, who doesn't communicate with the adjustor, or who does not consider using pre-litigation mediation, MAY be looking at that 1/3 contingent fee instead of 1/4, 1/5 or 1/10. More likely, he/she just isn't innovative.

Call or write for answers to your questions.

1. <http://hunterlawfirm.net/wp-content/uploads/2012/03/VintageOffice2.jpg>

The Basics of Personal Injury Claims in WV (2010-09-15 21:06)

[1]

1344



First; let's deal with the myth of the greedy client and greedy lawyer. My wife and I were on our way home from visiting our children in North Carolina. We stopped at the light on WV 19 North of Beckley. A few seconds later we hear a keening squeal. A large object flits by on our left nudging our car and "totaling" the Ford Crown Vic in the turning lane next to us. The Ford is shortened by four feet! And, we suffer no injury, but \$6000 damage from the "nudge". We are honest people; really, we are! Had the driver not swerved to miss us, OUR car would have been shortened by four feet.

That impact, and resultant injuries, would not have turned us into greedy moneygrubbers, but it might have put us off work, from the same small business, the only attorney and the business manager!

We might have been hospitalized for weeks, and **we might have become permanently disabled**, perhaps with a closed head brain injury.

So, also, **lawyers who become adept at representing personal injury victims are not, per se, greedy or dishonest.** Truth be known, lawyering is survival of the fittest, and the ones who do well are usually some of the brightest and most innovative in our profession, able to understand complex legal and medical issues. Some are motivated to help mankind, some to line their own pockets, and the vast majority a combination of the two, just like doctors, nurses, sales persons, teachers, and ditch diggers.

The majority of people who seek me out first want to assure me they are not "like them", the greedy ones they hear about in the Bush/Republican campaign ads. Tens of millions of dollars have been spent to convince them, and you, that "junk lawsuits" are bad. Trouble is, Bush (of whom I was a supporter) perceives every lawsuit by a consumer or injured person against a company or an insurance company to be "junk".

Finally, have you heard in the news that the McDonald's coffee suit victim was in her 80's, that the coffee caused severe burns, that they were on her "privates", that they required skin grafts, that her car was parked when the cup slipped from her fingers, that McDonald's knew their coffee caused such burns, that McDonald's received over 500 such claims a year, that their internal memos showed that the profit earned from the hotter coffee (don't ask me why)exceeded what they had been paying defending claims, that the jury awarded actual damages, AND punitive (punishment) damages of \$1.2 million which was 2-3 days of their coffee profits for one year, and that the appellate court reduced the award to \$400,000?

I didn't think so. My guess is the attorneys in that case risked getting no fee; expended at least a couple hundred thousand dollars in work effort and litigation costs, didn't get paid for years, and didn't charge the lady one nickel of "up front" money. They probably made their money speaking at continuing legal education seminars.

I say, "**Thank God there is someone out there who can give the little guy a voice.**"

Are there mistakes and frivolous suits; absolutely. Even in the McDonald's case, a judge made the ultimate decision, but a system that guarantees us trial before a jury of our peers, which protects those who have little from those who have much; and that allows contingent attorney fees, is a system that assures there will be motivated persons willing to represent injury victims. If you doubt that self interest can motivate, just check in with your State Lottery Commissioner.

Another example; Historically, England stopped the high level of prisoner deaths in their penal ships sailing to Australia. Captains had been paid for the number of prisoners walking onto the ships and were allowed to keep the supplies left over at the end of the voyage. No amount of begging or preaching could improve the situation.

The simple solution was to pay them ONLY for the live, healthy, prisoners who walked off the ships. The problem was solved almost immediately as the captains began acting consistently with their self interests.

There should be rules against frivolous lawsuits, and there are, but just claims should have a reasonable chance of a successful result.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/BurtBest.jpg>

Procrastination, Information, and Ignorance (2010-09-15 20:22)

Before writing my articles on Personal Injury Misconceptions, a few thoughts. My new Apple iPad is fabulous; no I haven't gone over to the Mac crowd, but some things are so right, you can't not have one. Case in point was my test drive of a 2002 Subaru WRX. Bought it that week and am on my third one. (Note: after ten glorious years, our son Justin is selling that original WRX! 02/28/2012 J.B.H.) 0-60 mph. in 5.4 seconds, and world rally car suspension, for \$25,000! So, also, the iPad is instant on and the size of a National Geographic, and that's just the beginning!

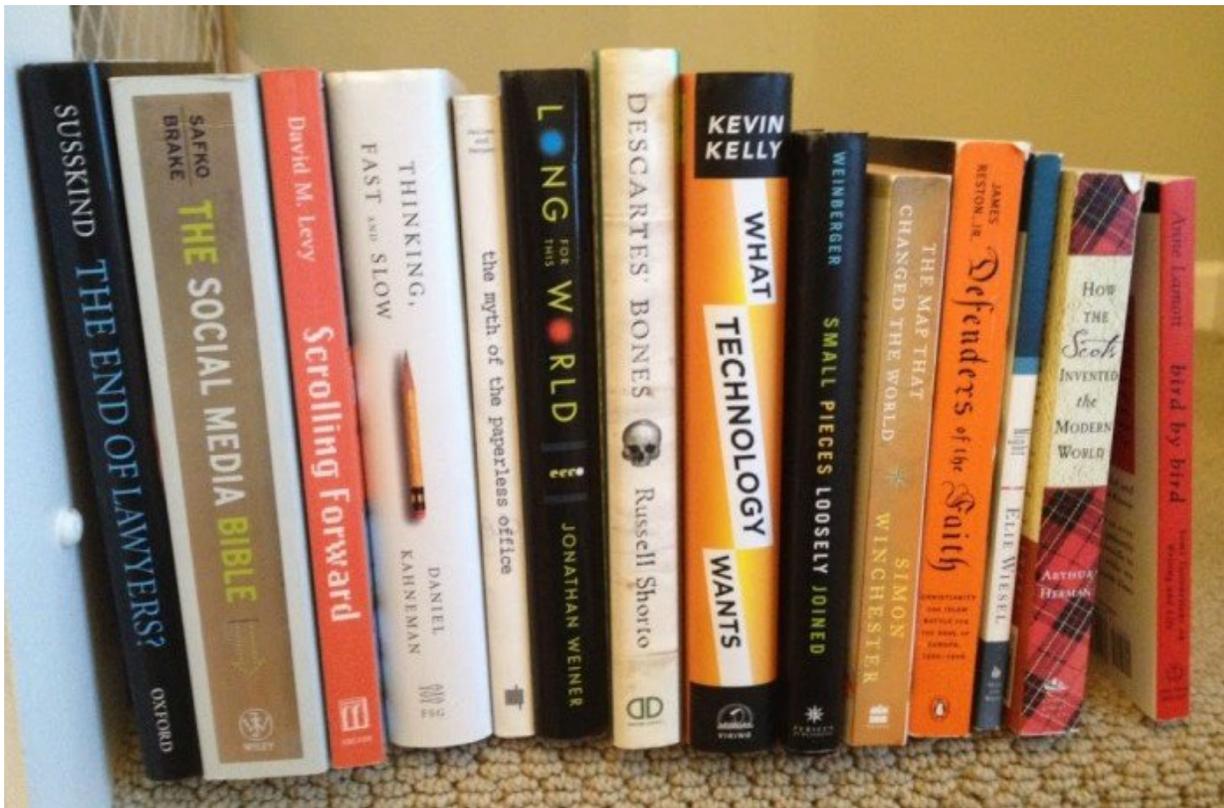
And that got me thinking. **We are awash in a sea of information.** Much like the person on a life raft in the ocean, but with nothing to drink. Just think; hundreds of books you can download for free to your I Pad! Amazon is so cocky, it gives away books like **The Autobiography of Benjamin Franklin** or **The Origin of Species by Charles Darwin**. Next time I hear someone say they don't believe in evolution, I can ask them if they have read Origin of Species, which, by the way, is VERY understandable. Most people don't have a clue, but the young ones have sent and received hundreds of texts on who likes who and who is going where, just this week, and learned very little from the experience.

So, also, there is a lot of information available on personal injury law, injuries, and claims. Lawyers produce millions of dollars in T.V. ads, but people just don't seem to understand the process, purpose, or the law, of personal injury. The following articles are written to help educate you on these issues.

13.5 August

Social Media for Lawyers, and Real People (2010-08-31 22:28)

[1]



I have put some thoughts to paper regarding Social Media (Or, more properly, Internet Marketing for Lawyers, and Technology). Here they are.

Social media must be considered with all the other technical marvels we now enjoy. Some of my favorite tech tips are:

1. **The Toshiba ScanSnap 1500 desktop scanner** which comes with a \$250 program, Adobe Acrobat Basic 9.0; just \$400. Our office has seven and we now scan everything into the clients file and return to the client virtually the entire hard file. Wish I had that 5000 cases ago! It can scan to PDF, to Word, to E-Mail, and to a folder as a "searchable PDF". Just think, type in a search word and find any document in you system in seconds, for \$400!
2. **Pathogoras document assembly software.** The only program you are likely to buy where the Author/Owner Roy Lazris gives you an hour online tutorial/phone conference. I have created 30-50 templates I would be happy to share.
3. **Having my Calendar, Tasks, Contacts in Outlook "in the cloud" using Microsoft Exchange Server**, so I can see the same information from my 2 laptops, my desktop, my Blackberry, My I-Pad , (And, now my iPhone 4s. The loyal Blackberry Curve has been retired. 2/27/2012, J.B.H.) and, since I am a sole practitioner, from every staff member's computer.

Thanks go to HMU Consulting of Columbus Ohio, Barron Henley, who presented a whole day of valuable tips at the State Bar Annual meeting and his assistant Brian Cluxton for number 1 and 3 above.

4. The CaseSoft suite of litigation support products, although this has become much more expensive since selling out to **Lexis/Nexis**.

5. My new Apple I-Pad, soon to arrive, with its hundreds of "apps", downloadable magazines and books, (a magazine I just bought includes the texts of 200 "classic" books at no extra charge), and near "instant on".

Back to Social Media; I think LOTS of time is going to be wasted with social media. And, on the "social" side, your family and friends tend to "intrude" into your life during the day with posts of the grandkids, their favorite sunset photos, their causes, political beliefs, religious and inspirational messages, etc.

And, if you get "into" Facebook or something similar, only half of your regular correspondents will choose to participate, with the result that Aunt Elsie may hear from you much less frequently (she's 90, .committed to e-mail but not happy with the "new fangled" Facebook, Twitter, etc.) I have countered this with a "FullFamily" Outlook e-mail group, "FullColleague" group, and a WWC (WV Wesleyan College) Related Group. I write to each group periodically with a "newsletter" of sorts. The fullcolleague one must result in lots of head scratching. "Why does he keep writing me??" I am blessed that so few people have demanded that I stop writing them.

Picking up the telephone to collect those who don't have internet or e-mail at all or who I just have to speak to is usually an every other Friday eve. thing. And, to think I used to write lots of "real letters"! I wonder where they are now, if anywhere?

I have a few books to recommend for anyone who wants to "come up to speed" with the internet and social media:

1. Small Pieces Loosely Joined (a unified theory of the web) by David Weinberger. This book is eight years old but very helpful in understanding what the world wide web is. I am in the process of rereading it.

2. The Myth of the Paperless Office, author forgotten, is not about the web but it helped me understand the daunting, and currently impossible, task of becoming paperless. Less paper? Maybe.

3. Scrolling Forward (Making Sense of Documents in the Digital Age) by David M. Levy is one of the best books I ever read. It is a history of documents, including a one word "letter" by his 3 year old sister; she wrote "did" on a paper bag, thus confessing to a dereliction and begging her father's forgiveness. David was a computer programmer who moved to Europe to study calligraphy and learned some profound things about written communication. I search Amazon for other books by him and was surprised that he writes now about Jewish religious studies. Scrolling Forward makes clear so much we take for granted in human written communication.

4. A ridiculous number of science fiction novels, historical novels, archeology, anthropology, and natural science tomes that would be difficult to duplicate in an adult's lifespan.

5. Facebook, The Missing Manual (The book that should have been in the box), which is your basic "how to do stuff in Facebook" book.

6. The Facebook Era by Clara Shih which is finally getting to the point; "Tapping Online Social Networks to Build Better Products, Reach New Audiences, and Sell More Stuff". This was the first book I had that gave me insights into using "Social Networking" and "Social Media" to market myself and help assure I won't disappear under the avalanche of T.V. advertising coming from my competitors who are

astride the I-79 Corridor. Their advertising budgets are robust, and they are physically within that market, while I, on the periphery, would have to spend 2-5 times as much to reach the same number of potential clients.

7. The Social Media Bible, 800 pages! (Tactics, Tools, & Strategies For Business Success) by Lon Safco and David K. Brake; This one gave me the full breadth of "Social Media", which includes a. The internet and web we have come to know; b. Facebook and MySpace social connection services; c. Dating services; d. Photo sharing; e. Video production and sharing, YouTube, etc. f. Blogs; g. The Wiki community; h. Self Publishing; i. Podcasting; j. Twitter; k. R.S.S feeds; and l. Gaming; this one worries me and perplexes me but it consumes vast mental energy and includes gambling, Sims, Fantasy Sports, and virtual worlds. People spend \$5000 on ultrafast desktops just so they can play their games.

8. Twitter Power 2.0 (How to Dominate Your Market One Tweet at a Time); This is a highly entertaining book, but I still doubt I can make it work. I just don't know if divorce, personal injury law, and civil litigation, can generate enough interest to generate "followers" to my tweets. But, I think it is the combination that may work in time. I have 255 Facebook Friends. It could be 1000, but I have been very careful. I backed off at 120, below 100, and started anew. I accept or request people I really know, sometimes a close relative of someone I know, some of my children's friends, who I have road bowled or socialized with, virtually any relative, and people known to the larger world such as Author Steve Coonts, former Buckhannon attorney and son of Gibb Coonts, dec'd., my Linsly Military Institute classmates, 24 out of 43 class members, college friends, and people we know in the local community.

Please keep in mind that some areas of practice have to track social media; IT'S WHERE OUR DIVORCE CLIENTS AND THEIR SPOUSES LIVE. It is where I have located 4 of my client's wife's dirtbag boyfriends, where I learn of their criminal history, and where they brag about their "availability", while denying these things to their lawyer and the Court. Today a client advised me her husband stated, "Well, she beat me last week, but I made her work for it." He did, to the tune of \$12,000, and you can bet that brag will be attached to our motion for attorney fees!

"For a sole practitioner", I am very proud of my professional website. I had one creative graphic design artist, at Findlaw, give it its initial look and feel, and have had to fight her successors to keep it intact, but the "Findlaw Team" spent 10 hours or so with me on the phone, and I took 100+ hours to cull my 40 years of family photos, to produce my own video FAQ'S (frequently asks questions), and to create biographical and personal narratives.

But, my professional site, [2]www.hunterlawfirm.net, is rather static; once the "team" helps you create the site, they prefer you to send in your \$1200/mo. and not bother them. My rep. Matt Kloos, has been most kind to me. They keep trying to send me to another guy, but having found Matt, I send my updates and questions to him, and he helps me.

So, I began on Jan 1, I started my own blog burton.hunteresq@blogspot.com . I have 52 articles to date on all manner of subjects. I vent about the idiocy of shortsighted attorneys, about my perception that the WV Sup Ct., State Bar, and Disciplinary Counsel are anti-sole practitioner and small town. I also think they want to get lawyers out of family law entirely. At a recent mediation seminar a lawyer/mediator said, "The only reason lawyers come to mediation is to run up their client's fees." Well, that's not why I attend all my clients' mediations, and I told her so. Tom Patrick declared it a perfect time for a break! But, she made it onto my blog. I have not large readership to date, but more people keep telling me of things they read and agreed with. I guess the detractors and critics have yet to find me, or are too busy to read it.

Facebook allows you only one account, and so far most of my "friends" are there as individuals. I am picking up more WV politicians and judges, and have been invited to their campaign Facebook sites.

My professional page, J. Burton Hunter III and Assocs, PLLC, is open to everyone. I post my Tweets to my Facebook. I announce each blog article by Tweet, by Facebook post, and by a post to my Professional Facebook site.

My Findlaw site has a "tell me about your case" portal on every page and a red button portal to my blog on every page. I am getting more and more "firmsite" e-mail inquiries. I try to respond as I get them and to provide something of value. If I don't do that sort of thing, I usually know who does.

I have added to my website that I now take credit cards. I had to find a company that would let me sequester my trust account deposits from my general checking. That is beginning to catch on.

For some good Facebook sites, I suggest you check out NPR's Facebook page. Their posts are helpful. Nuance Software has a good site for Dragon Naturally Speaking "fans". When I tried to order an upgrade to Dragon, my credit card data got compromised, so I will live with Version 10 for awhile.

Lawyers are communicators and professional writers, so you would think social media would be a perfect match, but we can also be a humorless and unoriginal lot, living by cited authority and doing things the way we always have done it. I got another one of those "family law code books" I get each year; another \$75 or so for a book that probably didn't change by 5 %. Now I have to move my index tabs from the grey one to the green one. AGAIN! On the Internet, change is the norm.

I needed a lawyer in the Rockingham N.C. area. I suggest you Google Rockingham Lawyer and see what you get. The one site I found had closed the satellite office whose photo it shows, TWO YEARS AGO!

Then try Buckhannon, WV Lawyer. True, Google prominently displays many of us, even the dead ones! But I think you will find my site. Lawyers in my town appear to be despondent; there is the "real estate guy", the few family law lawyers, and lots of folks living off of the court appointed system. They can't afford staff and they can't afford to advertise, but with Social Media, their own blog, and other things readily available for free, they can increase their footprint, just like B and B's, motels, resorts, and every other kind of business has.

How do I do it? As I have to 35+ years, I hit the sack by around 9:00 p.m., read, and get up at 5:00-5:30 getting to the office between 6:30 to 7:00 a.m. I work like a dog through lunch, and later of course when I have to, but a couple times a week, maybe more, I come home early, get online, view my webinars, research software, post to my sites, and write my blog articles. I like what I do, and I am interested in people. I keep in touch with my 3-5 grade seatmate, who is now a prominent psychiatrist, kindergarten classmates, who are lawyers, doctors, pilots and a parole officer. My h.s. classmate David Farer is a professional writer who lives in Sderot Israel, where the missiles come down. He always has something interesting. And I still write to my 90 year old Mormon Aunt, my Dad's first cousin Lark Hunter, who has located 1100 of our ancestors and travelled to Europe searching for them (no Hunter/Wilds in Wildhaus Austria!)

But, I won't send you a sheep for your farm! I will NOT forward that chain message that will give me bad luck if I don't. I will only occasionally be dragged into a political or religious discussion, and I will not gamble online, join a fantasy team, or do ANYTHING THAT I THINK IS A WASTE OF TIME. I go where I can learn about something I want to know more about, and I correspond with people who are interesting and funny.

I hope the WV Bar will not be policing the social media, slapping down the inartful, the impudent, the irreverent, or, God forbid, the funny, lawyers. Perhaps WV College of Law CLE could have a seminar on this stuff. Barron Henley has been "worth his weight in gold" to me. Mr. K..? from the ABA was also very interesting.

And what about Facebook? I enjoy the process, love to write, love to communicate, and find other people very interesting. And I love to post my photos. How else would I know that "Ma D ____" had a rough week-end, that "friend" Steve "D ____", seems a bit down, that my cousin's granddaughter just got married, baby one month old, and that cousin Cathy became friends with her cousin Cindy's daughter Mandy? I love knowing this stuff.

Burt Hunter

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/Books.jpg>
2. <http://www.hunterlawfirm.net/>

Communicating with Those You Hate, or Who Hate You (2010-08-20 21:52)

[1]



Communication Tips (For Divorcing and Conflicted Parties)

Many of my custody cases, at least initially, involve significant conflicts between the parties. This conflict can show up as a difficulty communicating, a lack of trust, hostility because of past abuse, or

even selfishness or immaturity. We have a number of techniques to try to overcome these problems. This information sheet is designed to provide you some "food for thought". Remember, it is not tailored to your case but is provided for general information:

1. Since I want my clients to conduct themselves according to the highest standards, I insist they sign up promptly for the mandatory two hour "parenting training", in accordance with the Court's instructions, at their earliest opportunity. The circuit clerk will provide details on how to sign up for the class.

2. Some counselors will accept the children as patients, using available insurance, but focus on "conflict counseling" with the battling parents. With the right counselor, this is an invaluable resource.

3. The following books cover the range of parental conflict, with the first book being substantially the same information as you will learn in your "parenting class". I urge you to read one or more of these as appropriate and to maintain a record or journal with a brief summary of every chapter you read so that I can show the Court that you are trying to reduce the conflict: Caught in the Middle, Protecting the Children of High-Conflict Divorce, by Carla B. Garrity and Mitchell A. Barris; Cooperative Parenting and Divorce "Shielding your child from Conflict" A Parent Guide to Effective Co-Parenting, by Susan Boyan, M.Ed., L.M.F.T., and Ann Marie Termini, Ed.S., L.P.C; and Divorce Casualties Protecting Your Children From Parental Alienation, by Douglas Darnall, Ph.D. Ironically, since Dr. Laura Schlesinger just resigned her show for using the "N" word, I find all of her books helpful for conflicted parties.

4. Some people simply cannot communicate in person or by telephone without fighting. To those persons I suggest the following tools:

a. E-mail and Texting. Keep in mind when you write or receive e-mail that this communication can be printed out and shown to the Court. Accordingly, try not to be accusatory, profane, or threatening. Save any communications you get from the other side. Using the books and the course set out above, make your written communications concise, helpful, thoughtful, and fully consistent with your children's best interests.

b. You can give away information to your child's other parent about your children's best interests without the slightest loss to you or the child. Even a controlling or abusive parent can benefit by having such information about their child. If they doubt you, give them the phone number and name of your child's teacher, doctor, coach or Sunday School teacher.

c. Communicating by Journal. Any good bookstore sells, often at half price, bound journals. A bound journal helps to make sure that neither side can tear out pages which they do not want the Court to see. Still, you should photocopy the journal pages periodically so that you have a complete set. If you are the primary caretaking parent or even if you are not, start the journal as if you were writing a baby book: the child's social security number and date of birth, make a list of the child's health conditions, (asthma, ADD, etc.); list of the child's immunizations; list of any allergies, all medications, dosages, medication schedule, etc.; the name, address, telephone number, and e-mail address of any homeroom teacher, counselor, coach, music teacher, boy scout leader, pediatrician, care providers, close relatives, any other relevant persons, etc.; and use this journal to keep the child's other parent informed of extracurricular activities, church activities, problems at school, accomplishments, illnesses, medical appointments, dental appointments, counseling appointments, any other fact of which you would like to be kept

informed if the other parent were the "custodial parent", etc.

d. Of course, you can insert information that might have actual or implied criticism of the other parent. For example, you can tell the other parent if the child is having nightmares because of something you believe happened at that parent's house, but keep in mind the more tactful you can word such concerns, the more likely the other side will respond constructively. I realize that in suggesting a technique such as this I am assuming the other parent will show some level of reasonable behavior. This is not always true, but even when it is not true, it is best for you to do everything in your power to demonstrate how reasonable you are.

e. Record your telephone conversations?!? Throughout my career, parties have repeatedly attempted to record the other party sometimes over the telephone and sometimes in person. Strangely, they try to do so secretly. But, when you want to use the recording in Court, the main thing the Court learns is what a "sneak" you are. No matter how bad the behavior of the other side, the Court will assume that you have "baited" the other side into the bad behavior. I learned from a family court judge a simple idea. Feel free to record such conversations, **but always announce "on the record" that you are making the recording** and that you are doing so in order that the parties will treat each other politely. Then, when you get the stream of obscenities and abuse, you can safely use that recording. More often, the other party will realize that their statements can be used against them and they will "pretend" to be polite. It is uncanny how parties who "pretend" to be polite through a period of weeks or months actually become polite. "Practice makes perfect". You can record those call at a cost of less than \$50. With the increase in cell phones, the technical problems are increasing, but they can be solved where telephone communication is otherwise useless.

f. Keep in mind the "mutual respect" paragraph. Perhaps you can even give the other side a copy of the paragraph and promise to abide by it. It is:

In regard to their communication, the parties agree they will listen carefully to the statements of the other person without interruption, if possible. They will pause before responding, especially if they think they may be in disagreement, and they will show courtesy to one another and respect to the other person's opinion. If they disagree, they will disagree in the most positive way they can and with the most respect they can with a goal towards trying to reach some type of agreement. At all times, each party will treat the other party as if they are an equal and their opinions have worth.

g. Sometimes a major problem is the other party intruding on telephone calls with the child. Using the "recordings" as described above is one solution. A more "high tech" solution which I have recently begun using with our own infant granddaughter is to communicate with a "web cam". As long as each side has broadband internet and a "web cam", less than one hundred dollars (\$100.00), you can communicate with your child "face-to-face". You can even set up your camcorder to record your end of the conversation. The computer screen has your face and the child's. That way, if the other parent intrudes, you will have it on video. Never forget to announce at the beginning of these recordings that you are doing so in order to keep everybody polite and honest. **The webcam is a wonderful way for a distant parent to visit their child.**

h. Of course, you can still communicate by "snail mail", greeting cards, "normal" telephone conversations, etc. Failure to do so shows a disinterested parent.

h. Honk orders. Sometimes one or both parties use the transfer of the children as a time to raise extraneous issues: "You haven't paid my child support you SOB.", "Why were you late at the last visit?", or "I don't want you having that child around that 'slut' or 'child abuser'." The transfer is not the time to talk about such things since the children inevitably hear you. **Where you do not feel comfortable with the direct exchange, I suggest a "honk" agreement.** The receiving parent stops and parks either in the driveway or down by the public road and honks. The delivering parent stays inside the house. If the child is old

enough to go by himself or herself, the parent sends the child with appropriate clothing to the other parent's car. Where the child is small, have a responsible adult capable of avoiding conflict and contentious conversations with the other party escort the child to the car. The one parent stays with the car, and the other parent stays inside, so that they cannot even see each other to gesture. Eventually this will not be necessary, but it can be a "godsend" for people who are fighting constantly during the transfers.

i. Visitation Center: If you cannot exchange your children in a civil manner, the Court is likely to impose a requirement that you utilize the "Visitation Center", some of which cost \$25 per visit. In "high conflict" or "abuse situations", the visitation center is highly valuable. However, every transfer takes approximately an extra one half hour, and visitations at the center can be quite awkward. Nevertheless, it is a tool that is available in the more contentious cases and a tool likely to be imposed upon you if you and your former partner cannot put aside your differences sufficiently to make the transfers work without it.

Please send me any ideas you think can help facilitate communication, and any scenarios or questions I can respond to. jbh.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/04/SurfacePro2Final.jpg>

Upcoming Posts (2010-08-13 01:29)

Apologies for lengthy upcoming posts.

I wrote two documents;

a. Tips For Lawyers Dealing With Unrepresented Parties.

b. Burt's Tips on How Parents Can Communicate.

They are long and detailed, but they are my thoughts, reduced to writing long before I knew what a blog is.

Please feel free to forward to your lawyer, your sister, or your best friend.

Burt

Alimony or Spousal Support - Will I pay or get it? (2010-08-09 22:14)

[1]



As with most things, there are many misconceptions about alimony or spousal support.

Most common is the thought is that if you catch your spouse in bed with your best friend, at least the alimony issue will be resolved in your favor. Not so! The rule that a finding of adultery bars an award of alimony no longer exists, and fault is only one factor the Court may consider.

Long term Alimony, and to some extent short term, are controlled by approximately 20 factors. Key are the term of the marriage, relative income of the parties, and the health of the parties. Educational and medical insurance needs may be critical, and other factors such as one party postponing an educational opportunity or giving up a well paying job may convince the Court that an alimony award is warranted.

The classic long term alimony case in WV is WV Supreme Court of Appeals Case *Molnar v. Molnar* [2] 314 S.E.2d 73, 173 W.Va. 200 (W.Va., 1984) . The Molnars were married for 35 years before their separation. She had a minimum wage job, and he made at least \$100,000 in today's dollars. Her "rehabilitation plan" was to go to college, taking 10 years to earn a 4 year degree. Her graduation year - at age 63!

The trial court gave her seven years of rehabilitative alimony, but the WV Supreme Court overturned the trial court, saying it was unrealistic to expect Ms. Molnar to start her new career when many people are ready to retire.

Short marriages result in much shorter alimony awards. The key for the spouse in need is to create a "rehabilitation plan" that will let her be in a position to be self supporting in no more than half the time the marriage existed. Thus, seeking a two or four year degree, a vocation, or a recertification will often be considered favorably by the Family Court.

There is no WV "alimony formula" as there is for child support, but there is a Va. formula our Court will consider as part of the argument.

Most courts will not provide a free ticket for a former spouse to sit back and be cared for, so the theory of counsel must be based on common sense and fairness. A large disparity in the incomes helps.

And, sometimes one party being more likable than the other is a factor.

Still, I find Family Courts in Central WV generally not strongly disposed to be liberal in the award of alimony or spousal support. But, presenting strong evidence supporting or refuting an alimony claim **definitely requires the services of a lawyer!**

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>

2. <https://apps.fastcase.com/Research/Pages/Document.aspx?LTID=BL95VG9IUr5w3Z%2BN4UzuJ3QUUNSZfwV8UMVeczEx8PCyvTHOMjGLfGwAxvoAG%2B0f1euer3%2FSQTDL%2F6Ij2S%2FM40T1uz>

13.6 July

Shortsighted Lawyers (2010-07-31 21:09)

[1]

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WEST VIRGINIA LAW PRACTICE

This week was a frustrating reminder to me that shortsighted lawyers cause a lot of harm, to others, and their own clients. These lawyers are not, as my Yellow Pages Ad above promises, "Competent, Compassionate, (or) Committed" Here are some examples:

1. The "For The Record Letter". A couple of weeks ago, I called a colleague who was appointed Guardian Ad Litem (Guardian In Law) for a child in a visitation case. My clients were quite concerned at a perceived adversarial approach by the Guardian. The Guardian, of course, responded defensively, and a tense conversation ensued. After 10-15 minutes, we finally began communicating. We talked 20 minutes more, and both sides apologized for getting "hot under the collar" and we agreed the guardian would meet with the clients and me so each side could better understand the other. As far as I was concerned, the apologies were accepted and the incident over. Two weeks later, on the morning of the meeting, I was "blown away" by a five page, single spaced, tirade that was filled with insults and accusations and ignored the second half of the conversation, which was, of course, the important half. I was puzzled at the change, until I noticed the guardian had copied the child's counselor, and the Court file. Turns out, it was not a letter to me. It was a self serving letter to the Court and the Counselor. ***I remember such tactics for a loooong time.***

2. The "Get Tough Letter". Some lawyers like to write a harsh letter and copy their client to show the client they can "kick butt". Such letters rarely result in something beneficial. Accusations of lying, mean motives, even stupidity, tend not to get a positive response. I try to focus on the substance of the harsh letter and respond as positively as I can. Taking time to investigate their complaint can help turn a nasty letter into something positive.

3. Many family law lawyers refuse to attend mediation with their clients. It is a myth that the lawyer can "prepare" the client to represent himself. There is usually a power disparity, so the client is either going to be "beaten up" or, just as bad, dominate the meeting, leaving the mediator to cope with the situation. The experienced attorney can help moderate the behavior of the aggressive client and build up the timid one. A "tag team" of lawyer and mediator can reason with a "difficult" client and guide them to a beneficial compromise.

4. Weak or misguided lawyers tend to reflect the flaws of their client. They often deny and excuse obvious problems such as alcohol abuse, anger management, or abusive behavior. Such apologists usually fail to guide their clients to the help they need.

5. As I mentioned in my last post, 30 %, or more, of attorneys will NOT return calls or respond to letters.

6. Getting some lawyers to the continuing legal education (C.L.E.) that they need is like getting a dirty little boy into a bathtub, with similar results.

7. In our area, the idea of a local bar association is dead. Lawyers don't meet together as a group any more. We tend to be islands of frazzled individuals, looking out for ourselves but not our colleagues. Lawyers retire with no recognition, and seasons come and go without the Christmas dinners and summer picnics and steak fries that used to be so important to our common identities. As a result, it is not unusual to hear attorneys demeaning one another and their profession. They simply don't know the others well enough to respect them.

8. Many lawyers are not short-sighted. When I get to the point that I question why I ever even wanted to be a lawyer, I remember several good exchanges I had this week. I resolved issues with lawyers with whom I had differences. In one situation, the other lawyer listened, and even accepted an apology. Turns out I WAS WRONG (There, I said it!) I approved an order but later objected because the client didn't like it, **and forgot I had approved it!** That embarrassed the other lawyer before the judge. As soon as the phone conference was over, I wrote to the lawyer my apology. My colleague accepted the apology and we moved on.

Summary: The Guardian Ad Litem in 1. above accepted my apology for "overtalking" her, but **had to write her five page tirade to enhance herself, she thinks, in the eyes of others.** What she got, for sure, is a colleague who "has her number" and will never trust her again. That's what shortsighted lawyers need to keep in mind. Short term convenience, expediency, and advantage, may result in long term negative ramifications.

1. <http://hunterlawfirm.net/wp-content/uploads/2014/08/BurtsYPAd.jpg>

Why Won't My Lawyer Call Me Back? (2010-07-24 01:47)

[1]



Burt Hunter: dutifully calling back one of his clients!

This is a good question.

30 % of the lawyers I deal with WILL NOT call me back. My theory is 20 % just can't manage their time, or they don't have sufficient staff to return the call for them.

But 10 % have cynically decided they do not care.

I strongly suggest that you avoid that 10 %,

and for the 20 %, they probably aren't that good,

They may be well intentioned but overwhelmed.

Hire the lawyer who has plenty of staff, plenty of energy, a good reputation,

WHO WILL CALL YOU BACK!

Mediation Conundrums, Domestic Violence, and Sociopaths (2010-07-20 23:54)

Seminars "charge my batteries". Tonight I am writing this post from the Charleston WV Marriott, one of my favorite places. Sometimes Nancy joins me, which is heavenly, as we try out a Charleston restaurant and shop, or socialize with other lawyers. Other times I stay in, catch up on work and correspondence, and even watch a ballgame on t.v. Tonight I check my e-mail and post to my blog.

I learned that the laws on domestic violence are being toughened even more. Not sure how the gun lobby missed these major changes which create major impediments to a person getting his/her gun rights back even after the restraining order expires. Not sure how the police are going to handle the many new tasks assigned to them. I wonder who budgeted for that? But, common sense dictates that if a person can get an escort to recover their things from the house, they should also have help retrieving the children they were just given temporary custody of or the pet the abuser threatened to kill.

Some of these are federal mandates, and the Domestic Violence laws in our local counties have been applied with common sense, so maybe toughening some areas of the law is a good idea. As they say, "Time will tell." There is some significant abuse going on in the filing of DV Petitions. The word has spread that the winner of a DV final hearing gains a significant edge in later custody proceedings.

It became apparent, as our speakers trudged along, that most of the 100 or so mediators in the room are NOT used to having lawyers attend their mediation. They are simply assigned two people, who they never met, given no pleadings or other relevant documents, no listing of the peoples' finances, no criminal or mental health records, and no independent way to know which party is being straight with her/him, if either! Most of these people are self represented, but I am disappointed to note that some of my brethren and sisteren(?) send their clients to mediation alone. Here we have a person smart enough to resist her/his spouse's controlling behavior, only to be sent to fend for her/his self at mediation. It boggles my mind.

Still, mediators help many people sort out a parenting plan which is a key ingredient in a divorce. Strangely, and for reasons I have mentioned in prior blog posts, the Family Court CANNOT order them to mediation on issues of equitable distribution or spousal support.

In north central WV, Upshur, Lewis, and Randolph Counties, judges expect the lawyers to attend mediation, and we do, to the great benefit of our clients. The better mediators and attorneys now can print out a complete parenting plan or agreement for the parties to read and sign and take with them. They are not binding until presented to the court, but having a signed agreement creates an atmosphere of resolution that helps to keep people from backing out. Today I learned the WV Supreme Court of Appeals wants to mandate the form that we use for our parenting plan. That form is crammed with lots of "do it yourself" redundancies, so now we have another conundrum. I guess I will download the current form and try to adapt it to my own template.

(Note: I am pleased that our local lawyers have ignored this mandated form. I am in the process of creating an improved template. 2-27-2012 J.B.H.)

Much was covered today on the difficulties of mediating with parties with personality disorders, addictions, and sociopathic tendencies. These 10 % of the total take up as much time as the remaining 90 %, and most of the fatalities come from that group. Mediation with even one party with such problems is almost impossible. This is where the wisdom of the Court at trial is important, but if a person is going to have difficulty representing themselves at mediation, imagine trying to represent yourself in a trial, with all its technical requirements! The outcome is "Russian Roulette".

In our part of the State, mediators work on all issues including equitable distribution and spousal support; that makes much sense to me, since these issues are often the ones standing in the way of a good compromise parenting plan.

Mediation is a Godsend to many. Just wish more people could go through the process with a qualified attorney, to help them prepare, and participate.

What do you think?

Please send me your comments and questions.

Burt

Surrogate Parenting Contracts (2010-07-16 19:44)

In the land of the blind, the one eyed man is king.

Google and Wikipedia just advised me that I have quoted Erasmus! *"Desiderius Erasmus Roterodamus (October 28,[1] 1466 – July 12, 1536), sometimes known as Desiderius Erasmus of Rotterdam, was a Dutch Renaissance humanist and a Catholic priest and theologian."*

I have become the proverbial "one eyed man" relative to "prebirth orders" for surrogate and biological parents in central WV. At least, when I wrote to my colleagues for help, no one had handled such a proceeding, and our Circuit Court Judge of 25 years had not done one, but I now have! The order is signed!

Fortunately, the attorney who had negotiated the "surrogacy contract" for his clients in a nearby state had done many of them, and he had found the key bit of information, a memo from our Director of the Department of Vital Statistics for the WV Department of Health and Human Resources. I followed that memo very carefully and improvised with my own touches. The "carrier" of course lives here in WV where the children are to be born.

Also fortunately, for my first surrogacy case, I stayed within the "comfort zone" of common sense and traditional values in that the biological parents are exemplary people, as are the "carrier" and her husband, and the people receiving the children (twin boys!) are the biological parents.

At least I now have a foundation to work from, in case I get another combination such as the biological child of the mother and the egg of the carrier, or the egg of the mother and donated sperm from a donor. **(Note; 18 months later and I still do not have another surragate parenting case. I am still happy I got the chance to do something new. 2-27-2012; J.B.H.)**

All I know is that standing next to two women, each beaming with the pride and anticipation of motherhood, one bursting with life, and the other bursting with happiness, is as thoroughly pleasant an experience as a family law attorney is likely to have.

That was brought back to me this week when I got an e-mail from a client who was warned by a mid-night call that his ex-wife was plotting his demise. I hope she does not succeed. I already have a dozen or so fatalities in my practice.

My client has consented to my redacting of the PDF documents I created for this case for the benefit of other practitioners. More populous states have attorneys who have done lots of such cases. My clients are happy to help others have this joy, with less expense.

Soon, some happy parents will take their new babies home with them, with deep appreciation to the woman who carried them, and her husband who supported her decision to carry another couple's children.

Serious Auto Accident: Now What?! (2010-07-11 20:59)

[1]



Here it is in a nutshell:

- 1. Whether you were at fault, or the other guy, you are very foolhardy not to talk with an experienced attorney.**
- 2. Of course, you must communicate with your insurance company.**
- 3. Insurance coverages are critically important.** Liability coverages, personal injury and property damage, underinsured coverage, in case the guy who hurts you had too little, uninsured, in case he had NO insurance, and "medical payments coverage", or "med pay".
- 4. Depending on fault, the amount of liability coverage may control your financial future.**
- 5. Unless you absolutely know you had no physical injury, GO TO THE EMERGENCY ROOM!** The contention will be you were not really hurt or you would have got treatment. You don't know how you will feel tomorrow, so get checked out!
- 6. Assuming you were smart enough to have medical payments coverage, "med pay",** be sure that you report that to your medical provider as your primary coverage. Do not use your medical insurance until you have to. If it is a "ERISA" plan, you may find your carrier has its hand out expecting to be paid most of the available insurance coverage. Med Pay pays for your bills regardless of whether you or the other guy was at fault. The med pay carrier has a subrogation claim against your settlement or judgment, so you need a lawyer to figure it all out.
- 7. You may be hesitant to consult a lawyer for fear you will get involved in a lawsuit or appear to be greedy.** Truth is, a good attorney will settle your claim, without filing suit, and get you twice what you can do yourself.
- 8. Consider that you simply do not know how to gather documentation of your claim.**
- 9. Consider that at least 1/3 of the cases have a dispute over fault,** and only with an attorney can you make your case regarding fault.
10. If you have subtle or disputed injuries, an experienced lawyer knows how to document your claim, with the appropriate specialist, or with "lay witnesses" who knew you before the collision and saw how you have changed since.
- 11. If there is a severe, permanent injury, you MUST have an attorney.** It can mean a huge difference in the outcome. Such cases must have experts, accident reconstructionist, economist, medical specialist, life care planner, structured settlement specialist, and vocational expert. Knowing who they are and how to find them is invaluable.
- 12. Whether you, your loved one, or your friend has been injured by the mistake of another, I urge you to talk with someone who knows what they are doing.** You can always say, "no thanks", but once you have the facts, you will want to have someone fighting for your or their rights.

So, You Think A Divorce May Be In Your Future? (2010-07-07 21:06)

Sadly, my advice is not sought on "How to be a good husband/wife." That's why I can throw that advice into my blog for free!

But, my advice is very sound for people who have no choice but to participate in a divorce. This may be because he/she is a victim of abuse or serious neglect. It may be because your spouse has found someone else. Or, it may be because your spouse or you love booze or a pill bottle, or handmade cigarette, or syringe, or porn site, better than they love their partner.

Whatever the problem is, there are things you can do ahead of time to protect yourself.

Here are a few.

- 1. SPEAK WITH, BETTER YET, HIRE AS A CONSULTANT A VERY GOOD LAWYER.** More often lately, I have been suggesting, without much success, that a person "on the fence" regarding a divorce, hire a confidential attorney consultant, to put together a "Pearl Harbor Plan". I am offering to accept such a position for a flat fee of \$1000.
- 2. If you simply cannot afford # 1, you certainly should know what you own and what you owe!** You should make an inventory, when your spouse is away, and photograph your personal belongings and real estate. But, don't then leave your notes and photos lying around. And don't think you can leave them in the glove box, the treasure trove for nosy spouses, second only to your MySpace and FaceBook, for valuable divorce evidence.
- 3. If you can, come up with realistic estimates of the value of these used things.** You may be surprised at how much is at stake, and you may be disappointed that things disappear or are taken elsewhere before you get to catalogue them.
- 4. You need to know what you (plural; you and he/she) owe!** That means you need to know the current balance on all credit cards, all medical bills and all loans from family.
- 5. You need to root out those copies** of reports from your and your spouse's employer of the 401k balance, savings accounts statements, and other records of any accumulated assets.
- 6. Remember that life insurance** may be "only term" with \$0 value until your death, BUT life insurance may, as "whole life", have a "present value" very similar to a savings account or cd (certificate of deposit).
- 7. If divorce is imminent, do not allow yourself to be victimized** by a spouse who empties or withdraws all your savings. Withdraw at least your half, plus perhaps enough for your attorney's retainer and advance for costs, and deposit it into an account in your own name. You will have to disclose this account later anyway, but I still wouldn't deposit it in the bank where my spouse's sister is the assistant manager. Where you fear you will not get support from your spouse, you may want to withdraw most of the remaining balance.
- 8. NEVER, NEVER, NEVER bait or provoke your spouse into an altercation** thinking you can

then file a domestic violence petition. You have to be alive to file such a petition, and you sure do not want to file from your hospital bed. BUT, if there is an incident that raises welt, creates a bruise or laceration, or causes your neighbors to call the police for your protection, consider the following:

a. If this happened around your children, failure to report it or to seek a protective order may be child abuse or neglect that results in your losing your children, temporarily or permanently.

b. If such an order is properly entered, initially or after a trial, it can give you a tremendous edge in custody and visitation issues. Remember, I said "properly" issued. I am not saying to file based on something frivolous. Not only is it just not right, but if the Court realizes you are using it, your efforts could backfire.

c. If it happens, you have a mark on your body or other evidence, and you do not go to the emergency room and file for a protective order, NO ONE WILL BELIEVE YOU LATER WHEN YOU CLAIM IT HAPPENED! Abuse victims have a responsibility to themselves and their children to act on the abuse and seek protection from the Courts.

d. One distinction. If you file for a protective order claiming a battery or assault, the police may charge your spouse, and convict, even without your willing assistance. Such a conviction takes away that person's right to own or possess a firearm FOR LIFE. The protective order itself causes the loss of gun rights only while it is in effect, BUT your or your spouse's name can go into the Federal Gun Control Database for a long, long time. Think Moslem terrorists, hiding in this country, and the way they treat their women, to understand why the Federal Authorities carefully peruse that database.

9. Plan where are you going to stay. Do you have a plan to get household goods out of the house, and will you and the children need to hide **or find temporary housing?**

10. Assuming it takes several weeks for a support (alimony and/or child support) order, how are you going to handle your basic needs and keep the family finances in order. I have a lot of answers to these questions, but you need to hire me and give me the facts I need to work with.

That's enough for now. **I hope you do not need a divorce lawyer, but if you do, remember the tips above and CALL ME!**

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How To Be A Good Wife (2010-07-06 22:58)

I am adding this post because of “popular demand”; that is, if I had a large readership, they would want me to add my observations about what makes a good wife. Nothing here applies directly to my own wife or marriage, although Nancy is one terrific wife. ‘Nuff said.

These theories are mine, but they jibe nicely with “The Tender Care and Feeding of Husband’s” by Dr. Laura Schlesinger. I have not read her book for a couple of years, but I think we are “in synch”. Just as my previous post for husbands, these suggestions assume you have “a keeper”, a loving, dutiful, hard working, faithful, husband. Such people are already not abusive or addicted. This is not a “how to fix your spouse”, if he he’s broken, but what I think a wife needs to do to be a good wife for a good husband.

Dr. Laura, of course, decry’s “man haters” and people who believe that women deserve special dispensation and privilege because of rights that have been denied them over the years.

I got some perspective verses those who criticize her for being a “Nazi”, or too conservative, with an article written by a self described liberal and women’s rights advocate. She pointed out that good men will sacrifice mightily for the women they love and for their families. She reminded us of the men who will put women and children into the lifeboats, who will sacrifice their lives to save their woman, and will go to war and make the ultimate sacrifice there. She urged women not to forget such things or the biology of our differences. I fight every day to protect the full legal rights of my clients, over half of whom are women. But do not forget, each partner in a marriage, ANY marriage, has important responsibilities

So, here goes:

- 1. When possible, marry someone with your values** to whom you are strongly physically attracted.
- 2. Try to understand how the typical man is sexually**, and, without sacrificing your own needs and desires, try to satisfy his. This is not easy.
- 3. Do not misinterpret his more ready response as a lack of caring.** Don’t feel you are being used in having a vigorous intimate life.
- 4. And, for gosh sakes, don’t be afraid of innovation** and do not hesitate to make your own wishes known. *In other words, prudishness has its place, but not in the marital relationship.*
- 5. Never forget, your spouse is usually your only lifetime, live together, relationship.** Your children mature and move out, eventually; you move out on your parents, and more often than not, your parents die before you do. **SO PUT YOUR SPOUSE FIRST.** The reverse of this is do not allow your spouse to isolate you from your family unless that family is disfunctional and harmful to your core family.
- 6. Of course, your babies require your constant attention, so involve your husband in child rearing.** DON’T exclude him, and do not let him believe hands on care is not his responsibility. Husbands need to know how to change the poopy diapers! Most of us feel a bit neglected when the babies arrive. This is natural. Not sure it was natural for my father to bring home a new convertible every time one of us was born. That was four brand new cars we really could not afford.
- 7. There is something wrong if a spouse cuts off the other from family and friends.** This isolation is usually a control or abuse issue.

8. But, whatever the love for parents, siblings, or friends, they must take second place to the marital relationship. Spend lots of time together and try to connect on your mutual interests. And, MAKE SURE YOU HAVE SOME!

9. Adapting to your husband's/spouse's passions in life is hard for me, a self absorbed, ego-centric person with lots of hobbies to advise on. Somehow, Nancy has put up with my pottery, my photography, my car racing, my book purchases, my computers, and my sense of humor! Not that it is easy, and not that she doesn't have plenty of gripes that I would spend all our discretionary money on such things. In a good relationship, such things aren't pushed to the limit. Not sure what would have happened if I had sacrificed our security for a dream to race cars. That's why I "retired" on the way to the tire wall in 1980!

10. And, this is a delicate one. I pondered it carefully when representing a client a few years ago. She had gained 110 lb. Both parties agreed they had a "nearly perfect marriage" during the early years. At that time, she was 110 lb., quite cute, and very active physically. They did lots of great stuff together and as a family. When I met her, she was still young, barely 50, but nearly immobile, suffering from depression, fibromyalgia, and multiple ills. And she absolutely could not figure why her husband avoided her, had developed his own interests and friends, and had told her he just wasn't happy any more and wanted a divorce. Her response, to threaten suicide.

11. It takes tremendous will to avoid being dragged into the pitfalls of the American diet and lifestyle. (He says after gorging himself during a week long vacation.), but I agree with Dr. Laura that our spouses have every right to complain, even take a hike, if the other ignores their health with little exercise, poor diet, excessive drinking, smoking, etc. This, of course, must be balanced with the tolerance and mutuality I comment on in my posts for husbands and on fitness. BUT, I think that managing that balance properly is the key to most good marriages.

12. Staying passionately in love, whenever possible, is ideal. I claim that for Nancy and me.

13. But, I am sure there are good marriages where there is comfort and devotion, a great place for grandchildren, that are worth staying together and heading into old age together for. I suspect everything I suggest here will still work. Staying fit, staying healthy, being so devoted that you become even closer if health leaves one or both of you, doing things together, putting each other first, and building your financial security. ALL are important.

14. As always, I invite comments, questions and criticism.

Burt's Answer to J.B. (I mean Joe) (2010-07-01 18:25)

A Few Thoughts While on Vacation; Twitter, Community on the Internet, and The End of The World as We Know It.

My old college roommate J.B responded to my invitation to "follow me" on Twitter by responding that he had better things to do than waste his time on Twitter. I realize that what he says may be true.

But, if Twitter is a waste of time, I am not sure why **Twitter Power 2.0 "How to Dominate Your Market One Tweet at a Time"**, by Joel Comm is the most interesting and helpful book I have read to date on social media marketing.

Many of my contemporaries assert that Facebook, MySpace, Linked In, and their ilk likewise waste lots of time. I don't think so, and Joel Comm makes a powerful case for Twitter. Most of you know that the FaceBook and Linked In communities, while virtual, are very real.

Keep in mind that J.B. is retired, and when employed he was Parole and Probation Office for the Columbus Ohio Region. He hardly needed to advertise for work. Yet, J.B. is a marketer extraordinaire. Each year he diligently contacts every member of Wheeling WV's Linsly School (formerly Linsly Military Institute) Class of 1964 seeking donations. Linsly is a remarkable school, whose sophomores perform above the national average for seniors on the S.A.T. Our class has been held together, at least half of our 41 living members, with the help of J.B., Ed, and the Internet.

But, why do we need to leave the comfort of e-mail for other means, some of which appear to be trivial? In thinking of e-mail, think buggy whips, fax machines, phone booths, I.B.M. Selectric Typewriters, and home phone landlines. The time for these things came and went or is going. We just hate to lose traditional e-mail. It is so neat.

When terrorists slipped ashore from Pakistan and attacked the hotel in Mumbai, India, and when unrest erupted in Iran after their elections, Twitterers, and cell phone photos, and videos, started leaking out of the country. They presented a "realtime a picture of what was happening there. It is now part of the communication fabric of the world.

Today, I posted a Tweet, which only reached my Facebook friends, about my breakfast of lox and bagels. Four people, and not folks I see every day, responded with enthusiasm to the post. Jerry reminded me I also had to have capers, and I was pleased to let him know I am sufficiently adept at this food to have ordered them "extra". My ordering that dish told them something about me, and their responses told me something about them. Our exchanges took 2-3 minutes, and I think it was worth it. The readers who didn't reply spent 10 seconds on the 100 character posts. I hope it was worth it to them. If not, they can "hide" me! Ouch.

I am a very intense, small town, personal injury, family law, and civil, **trial attorney**. Today I am working with my paralegal Letetia we are working to get a "pre-birth order" entered for some surrogate parents, of twins! They live out of state. The "carrier" mom lives locally, and the fetuses are the biological children of the couple who lives out of state. These folks have outraced our adoption statute, and I have done lots of work learning to obtain such an order in WV. That is interesting stuff. I want to write about it on this blog. And I want to write about many other things.

I write with two very pure motives.

1. I love to write and communicate, and share and receive ideas from others. and.

2. I want to make sure others know that I know what I am doing and am on the cutting edge of technology.

The surrogate parents found me through their lawyer, who found me on the Internet. Soon, anyone who wants to find a lawyer will ask a friend who knows the lawyer personally, and will check him/her out on the Internet. Some people don't know someone who knows a good lawyer, or they are too far away to get the "local scoop".

Everything I read on "Social Media Marketing" insists I must give away valuable information. I concur. That's why I want feedback. If what I am supplying is not valuable, I hope someone will tell me!

So, when I post something good, I will "Tweet" it. I won't post eating a hamburger, but if I try french fried grasshoppers, maybe I will. Our calamari came with thyme dipped in light batter and flash fried. They were tasty. I sprinkled crumbled herbs on my pizza! There's something perhaps you didn't know.

13.7 June

May I Record My Spouse Without Their Knowledge? (2010-06-26 18:12)

The answer to the question above is "NO, NO, NO!!"

It is usually morally reprehensible, and may be illegal. Have I ever seen a person gain an advantage by doing so? Occasionally, but most of the time it backfires.

I have used such recordings many times to prove the other side was manipulative, controlling, and abusive. Rarely, the client will bring me something helpful, such as a recent one where the wife's boyfriend called to advise that he had been "high on crank" the entire time that he spent with his wife and son. That recording went to WV Child Protective Services and the police.

It is not illegal in WV to record a call to which you are a party. In Md., it is a felony, as Linda Tripp learned when she recorded her conversations with Monica Lewinsky!

In WV, it is illegal to record third party conversations, as two well known politicians learned when they recorded their philandering spouses. Both had to answer to criminal charges.

Recording can be a routine, valuable tool, in cases where my client is complaining about rude and abusive language from the estranged spouse. Right now we have a technical problem with people having a land line, a cell, or perhaps a Trac Phone, and their children having phones. But, assuming you can figure how to have a recording device for most of your conversations with your spouse, or opponent, simply announce that to improve civility and limit profanity, you are recording the conversations. EVERY conversation must be punctuated with "Of, course, I am recording this."

At worst, the person hangs up and you are spared the abuse. Better, they stay on the phone and continue to spew abuse. These recordings will not make you look like a sneak, but save the whole recording, so you cannot be accused of deleting your own bad language.

But, BEST, is when the parents settle down and actually communicate. This is the solution the Court prefers. I enjoyed the client who said, "But if I tell him, he won't say those things!" My reply, "Good !".

Then there was the client who proudly brought me his recording.....of himself, screaming obscenities and "Shuuuuut Uuuuuup! Shuuuuut Uuuuuup! Shuuuuut Uuuuuup!!" into the phone and hanging up on her. That was a very helpful tool to help me assess the problem, but it certainly never made its

way into the courtroom. I am surprised the other side did not subpoena it.

So, record your conversations but always be sure the other party knows you are doing so.

Divorce Does Not Ruin Children, But Parents' Behavior Does (2010-06-26 18:04)

(Note: a friend gently chided me for the phrase above "Ruin Children". She did not like the idea of a "ruined" child. Does a cruel remark or emotionally cruel behavior actually "ruin" a child? If isolated, probably not. And children can certainly overcome adversity. But if "ruin" means raise to adulthood a person who is impaired in entering adult relationships, incapable of trust, and likely to live an unhappy life because of unhappy relationships, the answer is, sad to say, yes. So, if you see this happening, in person, or even in your Facebook community, I suggest a private message to the actor reminding him, or her, of the hurt the behavior can cause. J.B.H. 2-9-2012)

I was referred to a book several years ago by our Family Court Judge.

It is "The Unexpected Legacy of Divorce, A Twenty Five Year Landmark Study", 2001, by Judith Wallerstein, Julia Lewis, and Sandra Blakeslee.

Its point, supposedly supported by 25 years of study and statistics, and exemplified by seemingly endless anecdotal case studies, is very simple, but important, and, from my experience, true.

These three groups of people are statistically nearly identical in the happiness and stability of their adult relationships:

1. People raised in happy, stable, marriages;
2. People raised in unhappy, but non-abusive, stable, marriages; and
3. People whose parents divorced before they were six and went on to form long term, stable relationships.

All three groups grow up learning to have faith in the stability of relationships.

The group that did not do well is made up of people whose parents, after divorce, entered into numerous failed relationships. Those are the ones who taught their children not to believe in "true love", not to trust, and to expect, at least subconsciously, the relationships to fail. No doubt, they also were exposed to different moral standards and influences than people raised in stable families.

Think of that before you leave your unhappy marriage and start bouncing from partner to partner. It does not just hurt you; it scars your children for life.

[EMBED]

The McDonalds Happy Meal Controversy (2010-06-26 17:58)

I chuckled at the comments of critics of **Happy Meals** having toys in them because children aren't sophisticated enough to see through such inducements, as adults are. Hah! The 42 vendors with displays at the WV Association for Justice annual meeting all gave away "toys", pens, candy, key chains and tote bags. The "neuro-psych" people give away a peach sized foam rubber brain. Then there are the gifts, DVD's, candy, and gift baskets, that come with our Quill order. Our legal research provider, Al Lathan, brings us luscious bags of peaches and strawberries; even shrimp, which we very much appreciate and which makes me give conscious thought to which cases can benefit from a research project. So, we may "see through" such inducements, but we still buy!

The most valid criticism of McDonalds, and its competitors, is that its food is mostly crap, high salt, high sugar (carbs) and high fat. The American diet is killing Americans as lead in pipes in Ancient Rome killed Romans. Our United Methodist church, filled with loving, giving, caring people, serves a big meal every Wednesday of macaroni and cheese, or meatloaf and mashed potatoes, or Barbecue, or hotdogs and beans. Veggies are not a big feature. And, we sell sugar cookies and strawberry shortcake and ice cream, and lots of homemade candy. Makes my mouth water, but.....not good for us. West Virginians, being poor, and somewhat isolated, seem to eat even worse than the rest of America. Big butts abound here.

The solution? You tell me. My wife and I are part of it, fighting our bulges, trying to say "no", and being pulled right back to the fries and donuts. Right now we are in a "fight back" stage, cutting back on "carbs", working out, walking, and trying hard to be good. I even formed a Facebook Group, "If I knew I Would Live This Long, I Would Have Taken Better Care of Myself".

But it's the week-end, family is visiting, and lunch is ready..... and there is potato salad!

Being a Good Husband (2010-06-21 21:04)



My friends may chuckle over this title, given the number of times they have asked Nancy, in good fun, how she has put up with me these 41 years!

(Note; let them chuckle. We just celebrated our 43rd wedding anniversary with a wonderful getaway trip. I struggle, sometimes in vain, to follow my own advice, but will keep trying. 2-26-2012 J.B.H.)

Truth is, someone like me, average looks (I'm being generous here), pushy and opinionated, with a lot of "hobbies" (obsessions), has to think hard on this subject. So here goes.

- 1. A good husband is a good friend.** So, treat your wife with affection and respect; always as a equal. AND WATCH THOSE "PUTDOWNS"!
- 2. Never try to assert your stronger will over hers.**
- 3. Never cause her to feel insecure**, over money, your love for her, her relationship with her family, her friends, or HER SAFETY! You will be damned if you do. This is the cancer of marriage.
- 4. If you married someone you suspect you didn't deserve, deal with it.** I feel that way every day, so I try to show my appreciation. Show that, NOT your insecurity!

5. If you married someone with a major character flaw, dishonesty, promiscuity, selfishness, not sure what to tell you. I hope, at least, the sex is great. This advice is for people who have a "good one" and don't want her to get away.

6. Share, share, share, the t.v. remote, the family income, the covers, and your love.

7. Stay very clean; shower daily, and attend "to things". That has its benefits.

8. Pick up after yourself. If you are a "Mr. Mom" who agreed to share half of the work at home, do your part and don't whine. I get some dispensation from the "house part" in light of my hours devoted to my profession and my skills. And, Nancy is pretty traditional and simply does the things she thinks need to be done.

9.If you can save your marriage by changing yourself, and she, and they, are worth it, change!

10. If things go wrong and you know it was mostly your fault, pay the piper! If you are better off with education or employment, give her a helping hand. If she is cooperative with your rights to the children, pay that child support without griping. Don't substitute what you think the law should be. Consult a good lawyer and do what the law says. It is a fair law.

11. The day Nancy told me she had fallen for my was, BY FAR, the happiest day of my life. It was the result of lots of "hard work and patience". My appreciation was boundless, and is stronger today, now that I see what it has brought me, than back then. Although, I had a strong sense of what being married to Nancy Goodfellow would be like. It has been even better.

13. Don't drink too much!

14. Take care of yourself; stay fit, trim as possible, and as healthy as possible. Of course, that isn't always possible, so see # 16 below!

15. It helps to have some "secret weapons". One of mine is that I don't worry much. Worry forges me into action, not despair. I focus on the challenge until I have dealt with it. And, I have lots of interests and feel passionate about the things in my life. These things give me energy. **Keeping a good wife takes work. Whatever talents you have, use them!**

16. As my father in law, Bob Goodfellow, told me, about his own marriage, "Do whatever she says."

17.Whoops; almost forgot, pick a good woman, with character, **looks of course**, passion, and a sense of humor compatible with yours.

Good luck

1. <http://hunterlawfirm.net/wp-content/uploads/2014/10/10842614171151CDP.jpg>

But Grandma Loved Me Best! (2010-06-12 01:04)



[1]
This photo includes my dear Grandmother. She died with very little, and there was no will, and no dispute.

But, there are many disputes among the heirs of loving grandchildren, children, cousins, care providers and friends.

How do the courts sort it out? One simple rule helps a lot.

When a person is elderly and frail, and susceptible to the influence of others, certain rules apply.

If she/she has a "fiduciary" and that fiduciary somehow benefits by a gift or will from the elderly person, there is a "presumption of fraud".

What does that mean? A fiduciary may hold a power of attorney or simply be handling the older person's financial affairs. That means they have a high duty to that person, NOT to themselves.

If you are handling the elderly person's affairs, and you show up in a will or deed as the recipient, the law presumes you did something wrong.

That means, when Pop, Grandma, Mom, or Dad says you are the "best one" because you were there up to the very end, and they want you to be their heir, or grantee on a deed, BE CAREFUL, because if you accommodate them without involving a lawyer for them, you will be presumed to have committed fraud.

From the other point of view, if you know your parent or grandparent has named you in a will or deed, and, instead, the care provider, or a distant relative or friend is named the recipient, you may want to consult a lawyer. You may be able to challenge the will or deed!

So many of these cases depend on very specific facts, it is pretty easy for a lawyer to decide to take the case.

These cases require a cash retainer, but they can be worth many dollars, depending on the size of the estate.

The worthy goal is to honor the wishes of the decedent or impaired person. This situation is a "no brainer" for calling a lawyer. A good lawyer won't take the case unless there is an excellent chance of prevailing, so do not hesitate to call the lawyer.

1. <http://hunterlawfirm.net/wp-content/uploads/2010/06/Hazel.UncleDick.BobKidd.07.27.2009.jpg>

What? Sue my employer? (Deliberate Intent) (2010-06-09 23:12)

There are occasions where filing a claim against or suing your employer is appropriate.

If you are the victim of a form of discrimination recognized in law, or your employer breached your employment contract, a suit may be appropriate.

A "deliberate intent" claim involves certain workplace injuries. Isn't that what Workers Compensation is for; workers' claims? Yes, but today's workers compensation is much different than it used to be. I will leave the workers compensation article to someone else.

"A deliberate intent claim" allows a claim or suit to be filed against the employer, over and above workers comp. Of course, if you recover, you must deal with workers comp.'s "subrogation claim" for the value of medical bills it pays. That can be negotiated as part of a fair compromise settlement.

In a case where the employer knowingly failed to provide a safe workplace, where injury was foreseeable and inevitable, a claim exists. For a serious injury, the recovery can be substantial.

Attorneys take deliberate intent workplace injuries on a contingent fee basis (a percentage of the recovery). We off course, are interested in handling deliberate intent cases or associating with a firm that has this type of case as a "primary area of focus". We know the firms with the best reputations and won't hesitate to help you find one.

Call if you have been injured seriously in a workplace injury.

Why Continuing Legal Educaton? (2010-06-04 00:08)

[1]



Sorry to sound like a smart alec, but, just for fun, ask your lawyer to see a list of her/his continuing legal education that he/she has attended during the last 10 years, or the books she/he has read. Then feel free to come look at my list, over 30+ years. If you find someone to beat me over any of that time, I shall give you \$100 and go shake that lawyer's hand.

CLE is my thing. Why?

1. I live in a crazy world of emergency motions, accusations, threats, other emergencies, tears, and deadlines. Attending C.L.E., even if I doze once in awhile, like our vacations, recharges the batteries.
2. Keeping current of emerging issues and technologies is always a good thing. I found my current I.T. support firm during a seminar.
3. Whenever I go away, the staff declares "bluejean day!". They love getting me out of the office.
4. Connecting with like-minded lawyers is very refreshing, and learning who is the best in their field can lead to making money! Hanging out with "the best" makes you want to do better.
5. Last year I utilized a pre-imminent W.V. insurance expert, who taught at **many** of my seminars, to find \$1,250,000 in extra insurance coverage in a serious personal injury case! That led to a very fine settlement. If you want the name of that expert, call or write me. Such information is invaluable.

6. In Fact, the four biggest cases of my career were directly associated with people I met, or learned of, from my C.L.E.

7. Since I have thrown modesty out the window with this post, I declare my proud membership in the **WV Association For Justice**, which I shall forever think of as the **WV Trial Lawyers Association**. This organization, founded by the inimitable Stanley Preiser, best darn trial lawyer in WV, and one of the best ever in the U.S., and a few friends, is the advocate for "the little guy". There will be trial lawyers chewing on the tail of BP, just as we go after drunk drivers and other at fault parties. Of, course the "at fault" part is determined by juries. The jury system is at the heart of the many freedoms that exist in this country. I have been on the Board of Governors for just about 20 years. Our members are passionate about what they do.

8. Listening to Stanley Preiser, Joan Claybrook, Melvin Belli, Howard Nations, and our home grown, but nationally respected, trial lawyers , restores my pride in what I do for a living. Not incidently, here in my motel room, I am listening to my friend Dan Ringer, **The Law Works on Public Television**, in one of his hundreds of shows. That's the kind of thing a really good lawyer does.

9. Everyone enjoys a good "lawyer joke", except a lawyer of course. But, we are here to give you the power to resist evil and assert your rights, to protect your child, or seek recompense from someone who has harmed or injured you. The best trial lawyers are bright, compassionate, determined, energetic, opinionated, and almost always, full of ourselves.

10. Some are war heroes, former athletes, pretty boys, and girls, and naturally outgoing, but many very good lawyers aren't any of those things. They are just good at what they do, and I like hanging out with them. They share generously the things they have learned and I try to absorb it like a sponge. I am sharing some of it with you.

11. You guessed it. I am here at the Marriott for the annual meeting of the W.V.A.J. I can hear the noise of annual party in the tent 5 stories below, but I just finished a couple of orders that had to get done. I have been to the parties, and they can be fun, but I come here for the knowledge and the associations and friendships. Sometimes it is hard to have lawyer friends because we go "head to head" so often, but there is a comradarie that can be satisfying.

Leaving the office, giving up the income, and paying for the C.L.E. are all expensive, but well worth it in the long run.

Call me when you want to win that \$100.

Burt Hunter

1. <http://hunterlawfirm.net/wp-content/uploads/2013/01/BurtReading1.jpg>

Reboot of Topics (2010-06-03 00:39)

I have sent out 450 letters and will have an intense month in the local newspapers inviting members and suggestions and questions. That will fuel great conversations. Even if it doesn't happen, there is a lot I will talk

about.

Folks, I have done this stuff for 38 years; just tune in to learn the lessons I have learned.

Stay tuned.

Burt

13.8 May

Blog Announcement (2010-05-26 01:12)

Most of my former clients, and current clients, are getting a letter telling them about my blog. **I encourage everyone to follow my blog.** I will try to post helpful information. Of course, much is WV specific, and Central WV specific, but my goal is to reveal things from the point of view of an experienced trial attorney, based in a rural WV County Seat. I am on the Board of Governors of the WV Assoc. For Justice, formerly WV Trial Lawyers Assoc., and try hard to maintain trial skills worthy of that position. In the next few weeks, I shall also post an announcement in our local newspapers. I think my best stuff will come from answers I give to posted questions, so "ask away".

Facebook Tips (2010-05-22 21:00)

Facebook, The Missing Manual, mentioned in my last post, provides several websites with useful information, some officially sanctioned and some not. They are:

1. **The Facebook Blog** (<http://blog.facebook.com>) Officially Sanctioned.
2. **Inside Facebook** (www.insidefacebook.com) Independent blog tracks Facebook's evolving business model with a clear, critical eye. Good site for businesses trying to learn to utilize Facebook to advertise.
3. **The Unofficial Facebook Blog** (www.allfacebook.com) This is a good site to read for controversial Facebook issues. Sort of "cutting edge" stuff.
4. **People-powered Customer Service For Facebook** (<http://getsatisfaction.com/facebook>) Answers from an unofficial Facebook discussion board.

The Power of Facebook (2010-05-21 22:00)

(Note: as of Feb. 9, 2012, I see there is nothing that is new in the posting below, but much still applies. My friend and consultant, Dick Billick, of Dick's consulting, ([1] phase3training@live.com)

gave me homework which took a considerable number of hours. I have claimed my location on Google Maps, joined Google +, completed my Google profile, claimed my Yahoo Maps location, opened a Yelp account and completed my profile and location, opened a Manta account and completed the information, opened a FourSquare account, opened a Twitter account, completed the profile, and read a couple of books on Twitter, and recorded and uploaded 50 informative YouTube videos. And, of course, I keep writing these blog postings. Internet marketing and social media are things you either love or detest. If you love it, there are endless things you can do for yourself. That's part of the beauty. J.B.H. 2-9-2012. I have moved my visibility from barely there to "good" with Dick's help. His monthly report keeps me on track.)

We were just chattering on **Facebook**, about another potential threat to our privacy (and now another, from Google J.B.H. 2-09-2012. But, we all sense Facebook's, and social media's power. **Facebook, MySpace Twitter, Linked In**, and many others. Facebook and MySpace posts are now showing up a lot in my divorce trials.

I have it on good authority, by a person who wrote a book about Facebook of course, that Facebook and the rest are the next wave in the evolution of our species, **The Facebook Era, Clara Shih, Prentice Hall, 2009.**

Whether it is keeping track of the adult children and grandchildren (WE LEARNED JUST NOW ANNA LOST HER FIRST TOOTH AT SCHOOL. IF SHE CALLS US, WE WILL PRETEND WE DON'T KNOW, BUT WE DO. THANKS BONNIE!), OR, if you have a friend who is an artist, song writer, or philosopher, and you follow every word, Facebook IS powerful. (Note: since posting this, I have signed up for Spotify, all the songs you could ever want, the revised Pandora, and learned of Apple's Match + which can store your music library in the cloud and upgrade your songs to the highest possible, for \$24.95 a year. J.B.H. 2-9-2012.)

As I mentioned two weeks ago, the Internet can also induce a vulnerable woman to send \$11,000 to new Facebook boyfriend, who is probably some guy toked up on drugs in Nigeria, or Cleveland.

My guess is the conscientious consumer who takes time to read **Facebook Help Features** will do just fine, but here are some other resources.

Clara Shih's websites: www.thefacebookera.com and www.facebook.com/the_facebookera

Facebook, The Missing Manual, Pogue Press, O'Rielly, by E.A. Vander Veer ; This is a handy book with lots of tips and ideas. They call it "The book that should have come in the box.". **Website:** www.missingmanuals.com

I have got the most from:

The Social Media Bible, Wiley Press, by Lon Safco and David K. Brake; "Tactics, Tools and Strategies for Business Success. website: www.TheSocialMediaBible.com.

That is because the social part has been sort of intuitive for me. I have been a semi-pro connector for my college and high school classmates for the last 20 years or so. We were already doing neat things with the

internet and carried it over to Facebook, but using it to become visible to the legal consumer. That's a mystery.

Today a guy offered to sell me the url www.westvirginalawyer.com for \$1640. I passed.

My advice, set all Facebook settings to "friends only", don't be afraid, set **Google alerts** for all the variants of your own name. You want to know what they are saying about you out there, and Google will send you an e-mail if someone mentions you! I use it for Irish Road Bowling too.

Make sure your Google commercial account is current, especially Google Maps; the same for your Yahoo Account. You do want to show up on the maps!

Remain curious, enthusiastic, and reach out to people.

Have a nice week-end.

Burt

1. <mailto:phase3training@live.com>

Mediation: Tips for Parties and Lawyers (2010-05-14 21:52)

The experience of going to **mediation** after mediation with trusted, or at least grudgingly civil, colleagues **can be very uplifting**. What does that mean? I have other posts about mediation, and cover it thoroughly on my website, www.hunterlawfirm.net.

It means that when two skilled lawyers, and a skilled mediator, backed by a strong judge who expects them to do their job, get together, good things happen. Sometimes there is a catharsis, and people leave feeling all warm and fuzzy, but, since we don't serve martinis, or wine spritzers, that's pretty rare. We do serve healthful, and not so healthful snacks and beverages.

What is NOT rare, is the parties sometimes surprise themselves, by assessing the costs and risks, and by putting their children ahead of "the fight", as WVU College of Law Professor Tom Patrick calls it, to reach an agreement on all issues.

Such mediations also solve disputes over property and debt, retirement assets, alimony, will disputes, and right of way, boundary line, and contract disputes. When it is between sisters (whoa! Siblings can fight!), there can even be hugs, tears, and lunch together afterward.

My gripe is the "school of thought" that says "lawyers get in the way of mediated settlement". My answer. "Those lawyers have not "done their homework", and probably haven't been to mediation training. Family law mediation training requires five days. Basic mediation training is 2 days. Advanced mediation training, and updates are one day each. I have attended it all, and often been the "squeaky wheel" spouting "heresy". (Note; thank you to Professor Patrick for recently asking me to participate in training of law school and college students for magistrate court mediation training. Very rewarding to see so many fine young people

interested in helping people resolve their conflicts. J.B.H. 2-9-2012.)

I have been pleased to watch Tom Patrick's evolution. I have been to many of his marvelous mediations, and tried to be helpful and innovative. Tom is a master, and I now agree with most of his views.

If you have to give your client "bad news" regarding the cost of a trial, or the risk of a bad decision, lean on the mediator. He/she can be the bad guy, and the lawyer, the reluctant, but helpful advocate.

But, we have some judges who require "two hour face to face meetings". If you like the new form of cage fighting, lots of hoopla, blood, tattoos, and obscenity, just attend a few of those mandated sessions. The lawyer who buckles down, puts appropriate pressure on the client to "meet partway" and gets a settlement, often gets fired when the client gets home and tells Mom, Pop, or the new significant other that they reached agreement. "YOU AGREED TO WHAT!". That just happened to me. I put aside every dirty trick the other side did in the previous year, focused on the child, my client's budget, her emotional well-being, and even her safety, negotiated a tentative settlement, and got fired the next morning!

The lawyers who go to mediation with their clients should do what any good lawyer does. I will skip how to prepare for a Personal Injury Claim mediation, which is a specialized "animal".

Family Law Counsel should make sure they meticulously identify all assets and debts, and categories which were acquired during the marriage, and which were "separate" from the marriage. I have an Excel Workbook Template that really helps me identify those items, total the gross worth, and the debt, and calculate the net worth. The second worksheet allows us to put together the client's proposed distribution of the assets and debts, and see, to the dollar (rounded) how close to their proposal is 50%/50%. Most attorneys do not. Some use a yellow pad and calculator, and some use "canned" software. Building those spreadsheets really help us envision our options. And, we can change a number, and all the totals and subtotals change. It is a great tool for playing "what if".

Where custody is an issue, the "caretaking functions worksheets", for the one and two year periods prior to separation, are critically important. The judge relies on them, and the supporting evidence, so go to mediation without them at your peril.

Where alimony is at issue, the clients MUST read the alimony statutes, AND fill out a worksheet. There are 20 factors effecting alimony. I am amazed at the attorneys who do not educate their clients. Most marriages are not 30-50 years, so "rehabilitative alimony" is more common. In those cases the lawyer and client must put together a "plan of economic rehabilitation". Be innovative and realistic (Not everyone gets to go to Harvard.), and work hard at it. If you do, the issue may be resolved without a trial.

Know your mediator. A 35 year old mother of two, former domestic abuse assistant prosecutor, may be best for some cases, grizzled veteran male mediator for another, and young, intense, female divorce lawyer for another.

What is not needed is a mediator who gives up easily, or lacks originality, or passion, or who sees every case differently than your lawyer.

The opinions here are "heresy" in 80 % of the State of WV, but I challenge a debate.

Scumbags and the Death Penalty (2010-05-07 22:33)

I used to be a strong proponent of the Death Penalty. Then, I used up a considerable amount of my "life energy" when I was hired to represent a hard working, naive, farmer, who was lured into a relationship (ladies, he really was!) that led to a shootout in the hayfield between their farms. Sadly, my client entered the hayfield with a deer rifle with scope, .22 pistol, shotgun, and sawed off baseball bat.

The Judge called us in, advised we had a tough jury who hadn't reacted (not a blink, wink, or smile) to our closing argument. **He told us to expect life without mercy**, and congratulated us on a job well done. Shaking in our boots, my co-counsel, client, and I, awaited the verdict. I was crushed by a verdict of 2nd degree murder. The judge, who had been such a comfort, gave him 22 years! But, the fellow he killed was a nasty fellow, and my client got out this year, 11 years or so after he went away. I have no doubt he will return to farming and a law abiding life. What if I had a "bad day" in my closing argument, or forgot to interview a key witness. In a death penalty state, my client would have died. **(Since the time of the post, my former client was released, returned home to a peaceful life, and died of natural causes. Ed.)**

Yes, his victim is still dead, as far as I know. But, he had a 9 mm. pistol, and he rammed my client's pick up truck with his tractor. And, he enraged a fellow that shouldn't have been enraged.

600 hours out of my life, and I am glad my client isn't dead. His appeal to the WV Supreme Court was his trial lawyers' incompetence. The very same judge spoke up for us and stated in open court that we did a good job. The WV Supreme Court denied the appeal.

I believe in the death penalty for the "really bad guys"; the 911 terrorists and the guys who rip babies from wombs. But, the unibomber, and the guy that shot President Reagan, were very sick guys. I had a long conversation in a psych ward with a man who guarded his house every day with a rifle, ready to shoot the first spy who walked up his walk. He knew he was crazy and had many rules to distinguish spy from regular persons, but he was fully prepared to shoot you or me if he decided we were the spy sent by the devil. If he did, he wouldn't deserve the death penalty, for defending himself against deadly spies. That does not mean he should not be locked away for life. **(I asked him if he realized he was sick and probably imagining that these strangers were dangerous. He responded in the affirmative, but said, "I will know him when I see him." Ouch!)**

So, it is a bit complicated. I know one guy who deserves to sit in "old sparky". He is the guy who engaged my poor lonely divorce client in an Internet conversation. Her husband had been unfaithful, and she needed love and attention. He provided a simulacrum of that. BUT, before he came to visit and sweep her off her feet, he needed to fix his truck, which had a myriad of problems. \$11,000 dollars later, he stopped writing. **(His scam put her in the hospital and could have caused a suicide.)**

Where did my client get \$11,000? From her share of the 401K of course? Did he get his, before I got mine? Of course. Would I shoot him if I could get away from it?.....that's the moral question.....not if I could break both knees with a baseball bat. So, I guess I am not fully committed to the death penalty, but I am still for it in the right situations.

I tried to have a bit of humor here, but here is a sobering thought. "The Innocence Project" has freed something like 200 convicted felons, with DNA results. Most recently, just this week in fact, the semen in the corpse of an 11 year old girl was NOT that of the man who lost 30 years for raping her. He was a 22

year old musician. Now he is 52, but he is not an "ex-con", because he was just acquitted. Life used to be so much easier when things were black and white.

By the way, my client who was convicted of second degree murder was NOT a scumbag. The guy who talked the vulnerable lady in need of love out of \$11,000 was. And, I can spot the guy who deserves the death penalty. I think he cut me off in traffic today. Where did I put that baseball bat?

Taze The kid? (2010-05-05 23:09)

[1]



(2-9-2012)

I am for tazing, at least in this instance.

- 1. If it were my kid, I would want him to learn a lesson.** It is better than prison, or worse.
- 2. The "Tazee" can probably "plea bargain" his jail sentence down.** If he wasn't carrying a bomb, we wouldn't want him to miss a whole semester. But what if he was carrying a bomb, or a weapon?
- 3. If a really deadly person decides to go out to hurt someone or set out a bomb, he, or she, will want to look as harmless and goofy as possible.** Why haven't terrorists figured this out?
- 4. Public order is important, and this is better than hitting him with a "Billy Club".**
- 5. Watching a person get tazed helps the economy.** It improves CNN's daytime audience.

So, in this situation, in a public place, where lives may be in danger, and deadly force can be avoided,

I SAY "TAZE THE KID!"

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>

Something Constructive: How to Organize the Facts in Your Case (2010-05-04 20:25)

Every case involves facts that have to be organized, whether it involves a serious collision, divorce or custody matter, or fight over grandmother's will. The software application CaseMap taught me how to organize information, into:

1. Object lists ; before trying to tell a story, identify the people, documents, events, places and "things" that make up your case.

a. For the people, have name, address, phone, e-mail, who they are, and what they know.

b. For documents, list a title, date and short summary of contents;

c. For other objects, get as much concise detail as you can. Then, objects can be linked to key issues in the case. They also make the narratives or chronologies listed below understandable.

2. "Top ten lists"; these can be grievances, problems with your spouse's parenting, wrongs done to you, etc. Just keep them to a line or two, and if they exceed 10, rewrite the list. These are great to present to busy judges and great to help dictate a petition or other pleading. **An example is, if your estranged spouse has deteriorated into unfitness** as a parent, because of alcohol, drugs, anger issues, etc., you can make a concise list of examples or factors demonstrating that unfitness.

3. Chronologies or narratives, starting with the oldest event to the newest. These tell the story and help the lawyer make a complete history. Since you have already listed and identified the objects, the chronology flows much smoother. Please put the date, actual or approximate in the left margin.

With Object Lists, Chronologies, and Top Ten Lists, the lawyer is armed with what he needs to argue and present your case.

Every case that begins with these lists properly completed has an edge over every case that doesn't.

[EMBED]

Mediation Madness (2010-05-04 18:51)

[1]



OK; I ADMIT IT! THIS POST IS PURE GRIPE.

1. Because mediation in Family Court began with a low budget "pilot project" in the Eastern Panhandle, too few Family Courts understand that **mediation works best with a lawyer mediator, and lawyers representing the clients**. It is true that this takes money and luck, but in the 20 %-40 % of cases where it can be done, it should be ordered! The success rate of these mediations is very high. Not so where the parties don't have lawyers. There are a few "non lawyer mediators" who are the exception. Smart judges use them, **and** lawyer mediators, for self represented litigants.

2. Participants in divorce and custody mediation don't seem to understand that a compromise is NOT likely to be that pleasant. To achieve a settlement, they are going to have to agree to something, for the sake of the children, or to avoid future expense and delay, that is **not** going to seem that neat a day or two later. BUT, people seem to think that their word means nothing. And, if your lawyer reminds them, "You gave your word" , they accuse him of being disloyal or not "fighting for me". That will really helps

their relationship with the lawyer! The concept, "a person's word is her/his bond" is dead. Just ask "Coach Rod".

3. Some Family Courts don't particularly trust mediation, so they order the lawyers and their clients to a two hour "face to face" meeting, even when the lawyers are feuding and the clients hate one another's guts. They order such meetings even when there is a history of abuse. The trouble with such meetings is the lawyers end up "the bad guys". By pushing our clients toward reasonable compromise, we find ourselves accused of disloyalty. I would rather just try my case than be fired and accused of disloyalty by pushing for a compromise. Having a strong mediator gives the lawyer "cover". He can agree with, even appeal to, the mediator when the tough decisions have to be made.

4. Monday morning of this week I encountered three clients, for whom we had put in hard work, reject the agreements they had negotiated. I have spent 5-6 hours fussing, saving two agreements, which the clients, having spared the anguish, will never appreciate, and the third where the client maligned, then fired, me, rather than sign the parenting plan I negotiated for her.

5. Recently, by keeping our clients in separate rooms, and expressing regret over our war of words, we lawyers began to make progress. After two plus hours and twenty trips up and down the steps, we had an agreement virtually nailed down. My client and I then drafted the parenting plan, together, word for word, and I finished the day quite proud of myself. But, when we had the client read the plan, she had changed her mind, and decided to complain about everything from my "over-billing" to my spending a suspicious amount of time (@ ten minutes) upstairs with the other lawyer and the "detested "EX" "!

6. Instead of realizing that I spared her \$5000 in litigation costs, six months of incredible stress, and an uncertain result, the client wants to know where was that "aggressive lawyer" who fought the expensive paper war? Not that the paper war got good results, but then I was "putting him in his place", which she liked. And these people claim to be fighting for the benefit of their children! Many can't let go of the desire to beat the other party or make them suffer.

7. The clients who demand frequent and immediate attention are often the most critical of their bill. The client who follows our advice, and cooperates fully, pays our bills without complaint. Reminding them that "time is money" is of no use. To the unreasonable client, that's just another sign of disloyalty.

8. Appreciative, cooperative, clients are a treasure, especially if they can afford to pay me. I will take all of them I can get.

Burt Hunter

1. <http://hunterlawfirm.net/wp-content/uploads/2013/05/MeetingYourLawyer.jpg>

Ten Dire Results of "Representing Yourself". (Things that have happened.) (2010-05-03 22:35)



Be your own lawyer, and chaos may reign:

1. **If your spouse goes bankrupt, you might have to pay off their car**, or credit card, or go bankrupt yourself.
2. **By getting a few more, or fewer, "overnights" with your child/children PER YEAR**, you may save (or lose) thousands of dollars in child support,
3. **OR, with a "swing" of just 1 % in "overnight time" per year, your spouse may be able to move away with your children!** Or, you may not be able to take the children with you if you need to move to another state! Think about that.
4. **You may think you will receive your share of the sale of the family residence, *after* the children turn 18, only to find out **your spouse owns it!**** (And, don't think you will just order the cd of the hearing. They throw those things away after five years!)
5. **You may walk into court, thinking you have negotiated fair child support**, only to learn, to your chagrin, that the Court does not agree.
6. **You may lose your share of your spouse's 401k plan!**
7. **In a personal injury case, you may miss the "statute of limitations"**, and lose your entire claim!
8. **Your insurance carrier might deny crucial coverage that you paid for!**
9. **You may end up paying alimony for life**, or losing your claim to spousal support.
10. **The spouse you agree to share custody with 50/50 % may have their "significant other"**,

be the alternate care provider, when the law would have given your spouse only "every other week-end" and half the **holidays**.

There are hundreds of other risks. Don't take them. Give us a call, and we will help you create a plan.

1. <http://hunterlawfirm.net/wp-content/uploads/2013/03/MeetingYourLawyer.jpg>

13.9 April

Commitment to Clients (2010-04-25 19:14)

Most clients do not know what to expect in their relationship with their attorney. Certainly, it varies by the attorney. Too many people in every walk of life do not come to work with a true passion for what they do. To me, law school seemed to be a place where the common theme was "do things the way they have always been done", ambition, and competition. That was a difficult time for me. (Not really since I was obviously happy with my new wife and new baby, but...) I was not part of the groups, particularly fraternities, who had graduated from WVU. I was married, and we were "poor as church mice". I will address the travails of law school some other time; suffice it to say, I "survived" and accomplished just enough my third (senior) year to begin to build some confidence.

Two and one half years in the U.S.A.F. with an alcoholic boss meant I worked without a mentor, so everything was "the hard way". The last year and a half my boss entrusted me with plenty of responsibility. The first boss missed LOTS of work, so I attended most of his meetings my last year before he moved on. Jim Ingram, my last boss, made sure I left the service with the Air Force Commendation Medal and a reasonable level of competency. We correspond to this day. And, I was fortunate enough to be the military sponsor, and mentor, to Ray Starling, now Maj. Gen. H. Ray Starling, who retired as the highest ranking lawyer in the U.S. Air Force Reserve. There were two fellows dedicated to their profession, and their country.

When I came to work with the Rexroads, David and Lynne, in Buckhannon, I did not lack in confidence. I asked David to consider paying me a percentage of my gross earnings, so I made them some money even during my first year with them.

Many years later, I tried the same thing when I hired three newly graduated law students. They preferred to take their salaries, and work just eight hours a day, barely. They cost me at least \$150,000 and moved on to the first "gov't jobs" they could find. I never understood how three people could so lack ambition and energy but somehow make it through law school.

That confirmed what I already believed, that passion, brains, and innovation are what make a good attorney, and passion and innovation probably will let you outdo people who are "smarter" than you are. An ability to score a good grade in a class, by itself, does not guarantee that student will be a good lawyer. I seem to be able to excel at what I like and ignore what I do not. I guess that is why I am writing this blog.

So, what does that have to do with commitment to clients? Only that even getting to a point

where you have the confidence to work with and guide clients is not easy. Wouldn't you know it, my first client Cruz's Mother ask me how many cases I had tried. "Not many." I answered. "How many" she persisted, "Very few." My theory was - zero **is** "very few". Cruz was of Puerto Rican descent, and he erred by selling cocaine to a few friends. He insisted that he "made no profit", but that didn't help him very much, and he was convicted. Still, I liked the guy; even read a 300 page book about Puerto Rico and its culture to try to understand him. And, I tried hard to help him come to grips and understand his problem. I hope I did him some good. That was 5000 clients ago.

I now do criminal work only as it touches directly to my domestic practice. My mindset was not consistent with the criminal defense lawyers who seem not to care whether their clients are guilty, and who fight hard to cast doubt on the prosecution's case, even when they know it is a valid one.

Most of my clients are facing a serious situation and need me to help them get through it, and they need a "fresh start". The "problem" can be serious personal injuries, an abusive or unfaithful spouse, a custody dispute, argument over a loved one's will, or an emotional dispute with a neighbor over a right of way or boundary line. A good lawyer empowers his client, settles the case if possible, and tries it competently if not.

The wife of one of my clients accused him of "Drinking at least two cases of beer a day and watching porn on the Internet six hours a day." His response, "That's a damnable lie! It's no more than a case, and three hours!" Ouch! That fellow needed my help.

A loyal attorney does NOT try to explain away or cover up such behavior. But, an "average" lawyer almost always does. An addicted person cannot be trusted to be sole care provider for young children. So, also, a person with severe anger issues, drug problems, or history of criminal behavior, needs to be guided to the right kind of professional help. If they won't get it, the "parenting plan" needs to protect their children while trying to maximise the client's rights. Visits at a supervised visitation center, the home of his parents, or unsupervised only after a period of good behavior, may be the best we can do for them. (Recent tragic news shows that sometimes none of these tools can protect the child. 2-09-2012, J.B.H.)

I often assign reading to my family law clients. "The Top Ten Stupid Things Women (or Men) Do To Mess Up Their Lives" by Dr. Laura Schlessinger are my favorites. Also **"In The Middle"** by Garrity

Nearly half of the time, my clients' behavior is exemplary, and they do just what I want them to. Their cases often do well, but sometimes not, depending on how bad the behavior of the other side. When my opponent simply ignores their client's problem or excuses or hides it, that is bad too, and not good lawyering. In those cases, I must be prepared to try the case and let my client's testimony and witnesses be heard.

The key is putting together a good game plan, following the plan, and trying to develop some rapport and trust with the other side. Lawyers, having been trained to be "adversaries", are often terrible at this, so the daily life of a small town trial lawyer is a stressful one.

A lawyer should not get too close to the client. A "professional distance" is essential. And, one must be able to sleep when he or she gets home. Having a life at home, stability, good health, a fitness and nutrition plan, and personal interests is ideal. I am blessed with these things, which help me get up and "go at it" each day.

A lawyer who represents individuals needs to love and understand the "human comedy". It helps to read broadly and to have a deep reservoir of experience. With nearly 3000 family law cases and hundred of personal injury and civil matters, I have that now. Clients' interests must be placed ahead of the attorney, but not so that she/he cannot make a good living, pay and train good staff, and be well equipped.

Finally, many lawyers think it is their job to follow their client's instructions. I know that the client has probably never been in this situation before, so I see the client's responsibility is to tell me the truth and follow my advice. If I understand that client's values, or perhaps the Court's, I give excellent advice. Usually, if the client ignores it, they regret it.

My advice to someone seeking a lawyer is to find one who has a reputation for hard work, who understands technology, understands people, and gets up each morning intending to do good in the world. Study their web pages, ask around, talk with them before committing to hire them. And good luck!

Why Be a Lawyer? (2010-04-23 11:57)

Not everything can be original.

This is part of the "signature" a fellow trial lawyer puts on her e-mails.

There is one way in this country in which all men are created equal -there is one human institution that makes a pauper the equal of a Rockefeller, the stupid man the equal of an Einstein, and the ignorant man the equal of any college president. That institution, gentlemen, is the court."
Atticus Finch - To Kill a Mockingbird

It is a pleasure to empower an abuse victim, protect a child, obtain money for someone to "pick up the pieces", or guide a frightened, exhausted, or desperate client through a minefield, to the "fresh start" they are seeking.

Harper Lee got it right when she had Atticus Finch speak the words above, and **Paul Newman got it right** when his character pulled himself out of the bottle to protect his clients in *The Verdict*.

I suggest you watch them both on Netflix or Blockbuster.

The Mysteries of Attorney Marketing (2010-04-21 20:12)

The Mysteries of Marketing. The Yellow Pages has opened a whole new section "Attorneys", in addition to Lawyers. Now they can charge us double! Then, two new cases arrive from The Internet. A woman cries out for help on Craigslist, and a total stranger, from another state, finds and hires me for her! The lawyer for biological parents of unborn twins, from another state, finds and hire me to do a pre-birth paternity order for children who are to be born in WV. Interesting stuff, but probably too early to give up the Yellow Pages.

Now that I have an outlet for "venting", I shall probably continue these posts even if they generate little interest. (Note: When I wrote the previous sentence, on April 21, 2010, I was just getting "my voice" for this blog, and still had no idea it would grow to 200 pages and a book. I am still soliciting questions and suggested topics from my readers.)

Where else can you get a free preliminary opinion, guidance, or even a new lawyer, simply by asking? If it is outside my areas of expertise, perhaps I can head you in the right direction. If it is something I do, will be happy to discuss it with you. 304 472-7477.

Southern Tour (2010-04-17 21:27)

It is great to get away from the "daily grind". My work is never boring, but it is stressful. The same clients who call daily, or more, are the same ones who are shocked that their bill has inched above the retainer, and, not unusually, they tend not to have any more funds readily available. The clients who constantly ignore, or defy, my advice are likewise often very sensitive about being charged for the time I spend correcting their mistakes. Their cases take twice as much work.

We decided to take a day off, Friday. Day one we were in Asheville, N.C. with our two sons, two daughters in law, and our granddaughter and "grandson to be". Our granddaughter is a 10th generation Hunter living in Buncombe County N.C.. What a wonderful coincidence that our two sons and their wives decided to raise their families there.

With Buddy (the beagle) and Duffy (the beagle mix) in their crates, we listened to a reading of Jared Diamond's book on why civilizations fail. Pretty scary stuff since America is avoiding failure by depending more and more greatly on our technology to avoid a collapse.

Today we are with our daughter, Laura, in Atlanta. She works for a company that supports major national bankruptcy law firms. They work her very hard. We also had a reunion with Laura's cat Tiger who the neighbor girls found in the nearby woods, on Hickory Lane, approx 14 years ago! The animals are very compatible.

Tomorrow we will be with our oldest son and his lovely wife and daughter and son in Fort Mill, S.C., just South of Charlotte, N.C. We hope to hear about their trip to Fla, and the shuttle launch. Our travels tomorrow should take approximately 15 hours, and we will arrive home tired, but refreshed by the reminder of what a wonderful family we have.

With my Blackberry Curve ("crackberry"), I kept in touch with work all day yesterday, graciously accepted being "fired" by a client I simply cannot reach, and learned that my able staff was keeping things in order. The return of Letetia from maternity leave will be a great relief to us all.

Being one's own boss has some advantages. I can take off when I want to, subject to court schedules, but I am the "revenue engine". A colleague/competitor calls it "the treadmill of your own design to which your feet are 'superglued'".

With nearly 40 years of practice, I could gladly move on to other things, but in some ways I feel I am just getting started. Technology is the key. I prepared an order and a petition yesterday using

Dragon and Pathagoras, and, I hope, helped a very frazzled, frustrated paralegal catch up a bit. Such weeks are inevitable in a busy trial and family law practice. But, when we help people start anew and protect them from abuse, and watch out for their children, and even get an occasional "big pay day", the work can be very satisfying.

This week, I shall send out 500 letters to former clients telling them about our "robust" website www.hunterlawfirm.net, my business FaceBook page, and this blog. I hope some will subscribe to the blog, or become "fans" of my Facebook page. and give me some feedback as to how we can improve our service. The future belongs to "social media", but I am not sure how soon that future will arrive. Happy week-end to everyone!

(Note; as of Feb. 26, 2012, "the future" appears to have arrived. The Internet and Social Media are rich tapestries of connections and information. I will continue to use it for our mutual benefit. J.B.H.)

Lawyers Are People Too (2010-04-14 22:21)



[1]

Nancy Hunter on Dingle Peninsula; Ireland is the homeland for Irish Road Bowling.

This post is supposed to become part of a magazine article, but the reporter hasn't even acknowledged receiving it, so I shall post it here, so at least I can see it in print! JBH.

Questions for Executives with Unusual Hobbies

***Tell me about your profession and how you chose that career path.**

I received draft number 122 during the Vietnam Era, so I was certain to be drafted. I failed to meet the vision requirements for the U.S. Marine Corp. Officers Candidate School. My father, and two college roommates, were Marines.

I passed the vision test, and the academic test for U.S Army O.C.S. with an excellent score. But, I had a chronic problem with a dislocating shoulder. (Most of the men in my family have the same scar on their shoulder.) I had the shoulder surgically repaired in August, 1968. In Oct. of that year I was stunned by the news that the girl I had loved for several years now loved me and was willing to be my wife.

Needing,

1392

1. A way to serve my country honorably; and
2. A means of earning a living;

I applied for law school at the WVU College of Law and for U.S. Air Force R.O.T.C. and was accepted into both of them. I worked a year for the “West Virginia Welfare Dept.” and graduated from law school in 1972. I served four years as an assistant staff judge advocate at Griffiss, A.F.B., a S.A.C. base, in Rome New York, and was hired to begin with the law firm of Rexroad and Rexroad in Buckhannon in July 1976, Bi-Centennial week. Over the years, I also practiced with John S. Holy of Weston, Robert M. Morris, Roy D. Law, and Randall L. Levine. Now I supervise a staff of four, two paralegals, a receptionist/clerk, and my lifetime best friend and wife, Nancy, our business manager and bookkeeper.

***Tell me about Irish Road Bowling:**

how you discovered it and what you like the most about it.

West Virginia Irish Road Bowling discovered me. It was “invented” and “discovered” by the Godfather of WV Irish Road Bowling, W. David Powell, formerly of Lewis County WV and now of Washington D.C. David is a former paralegal with a major D.C. law firm and freelance writing and journalist. I was “best man” in the wedding of David’s first cousin, William Reese (Bill) Burns, and “Burnsie” brought a videotape of a production of David’s which played on the Outdoor Channel in approximately 1997. David had seen Irish Road Bowling on television and sought out information about the sport from an Irish pub in New York City, and during a “legendary trip” to the City of Cork, County Cork, Ireland, which, not incidentally, is what I believe to be the home town of my great grandfather, and grandfather, both named Michael O’Grady. David brought six bowls (28 oz steel balls) back to WV from a hardware store in Cork. He began the tournament as part of the annual Irish Spring Festival in Ireland, Lewis County WV. **I have been part of some memorable Irish Road Bowling activities:**

1. David and I initially pretended to have a WV Irish Road Bowling Assoc. when it was just he and I e-mailing. We sent out press releases, promoted tournaments, and acted as if we were real, which we were not. I found WV Fairs and Festivals on the Internet, but it is David (It’s always David!) who doggedly got Irish Road Bowling into a dozen or so festivals and State Parks throughout the State; also, he has appeared on “P.B.S. Week-end Edition”; “C.B.S. Sunday Morning” and most of the major newspapers in the Eastern U.S.. He is more Scottish than Irish, but we call him “O’David”. Suggest something to David, and he will make it happen.

2. My wife and I got to host a group of 18 first generation Irish immigrants from Boston, who came down to West Virginia and put the authentic touch to our local version. My big surprise was that most of them preferred Coors over Guinness.

3. I got to go to Boston, two months after “911” as a member of a guest contingent, to the Boston Irish Road Bowling Society annual meeting, get my first “man kiss” from Con O’Callaghan, and sang the national anthem with these fine people, in their adoptive country. It was an emotional experience.

4. I had the privilege of bringing a dozen Irish Road Bowlers, and my wife’s 85 year old Mother (to surprise my wife) on her birthday, for the first North American Irish Road Bowling Championships bowled, at Turkey Run, in Buckhannon, WV.**5. I was “official videographer”, sort of, in the most recent North American Championships held in Ireland, WV.**

6. My wife, daughter Laura, and I were motivated to go to Ireland five years ago where we saw many wonderful sites.

7. During a conversation a few years ago, David and I agreed; somehow, we had reached Malcolm Gladwell’s “Tipping Point”,

where WV Irish Road Bowling is just going to keep growing and spreading. That was very satisfying.

***What has this hobby taught you about yourself?**

I reaffirmed what I already believed about myself. I am always ready for something new, and fun. And, I am useless at something unless it interests me. Fortunately, a lot of things interest me.

***What have you learned from this hobby that you have been able to apply to your career to make you more successful?**

I believe W.V. Irish Road bowling is such a phenomenon because;

a. It is extremely simple to begin, just four bowlers, a piece of chalk, a scorecard and a bowl, and a one mile or more country course; and,

b. It is as complex and sophisticated as skill and athletic prowess will allow. The record throw is 440 yards, by Con O’Callaghan, on the Ireland to Wildcat Road. If ever an activity has benefitted from networking, word of mouth, and internet chatter, this one has. When I first searched the Internet for Irish Road Bowling, there were two entries, one in New Zealand, and the other in Amsterdam. There wasn’t even an I.R.B. article in Wikipedia!

I suggest that anyone reading this article should Google “Irish Road Bowling” and “WV Irish

Road Bowling” if they want a sample of the power of the Internet.

Our sons, Justin and Christopher, and Daughter’s in law, Jessica and Sarah, now have started the Asheville, N.C. Irish Road Bowling Association, and daughter Laura began the WV Irish Road Bowling Group on Face Book. Son John and daughter in law Bonnie come up each spring for the Irish Spring Festival with our grandchildren, Anna and Jack, and friends from Charlotte. Our family and friends have been as many as 50 for one week-end!

This year, for the Spring Festival, we were fewer, but David announced we had @ 260 bowlers! That’s more than 60 teams, on the road from Ireland to Wildcat! David is doing more for the State of WV than many people realize. And, we now REALLY have an organization of several dozen active members, all of whom love their State and love a good time.

***Who do you share your hobby with, whether its family or friends or other participants you’ve met in the sport?**

Everyone! We announce tournaments at choir, to our college friends who come to WVWC’s reunions in the fall and come back for road bowling in the spring, to my high school classmates, and of course our children, siblings and parents. My father and stepmother became very close with my college friends, and others, by coming to the tournaments. Dad did not bowl, but he could share a sip of Bushmills with them, and lots of laughter.

***As a professional, how do you find the time to participate in your sport?**

Truth be told, I don’t spend that much time actually bowling. Our best competitors, who have gone to Boston, Ireland, and now the Netherlands (!), are bigger, stronger, and younger than I. Our first team, @1998, bowled a 41, pretty good when the record is a 32. I figured the score would keep going down, down, but our best score since then was a 44. I love writing to and hearing from David. I can suggest something, and, pretty soon, he makes it happen.

I purchase ads for the various tourneys, and I attend, photograph, watch, and visit. Now that we have grandchildren, we usually are with them while our children bowl. But, it is like any other gathering of West Virginians. Lots of fun when good people get together on our country roads.

1. http://hunterlawfirm.net/wp-content/uploads/2010/04/LondonIreland1-2B030_edited.jpg

Don’t Be Your Own Divorce Lawyer....#2 (2010-04-08 19:19)

Where was I??! Once I get started with my "gripes" regarding our profession, I become a little crazed. Let’s start again.

Divorce laws frequently change. The standards for "custody" have changed markedly three or four times during my career. A variance of as few as 1 - 4 "overnight visits" a year can impact child support several hundred dollars a month or determine whether a young mother can take her child with her if she finds she has to move to another state. Thus, even small marital estates (dollar-wise) have tremendous issues at stake.

And, even after a 20 year marriage, parties to the typical divorce may have a house with a \$100,000 equity, retirement benefits worth \$200,000- \$400,000, and short-term (credit card/medical bill type) "uncured" debt of \$10,000- \$50,000! A bad result impacts your future! So does a good one.

That said, what should you do if you proceed self represented? (*You did notice that I warned you not to didn't you?*)

1. Read the Rules of Family Court. There are deadlines by which motions should must be filed, witnesses and exhibits disclosed, and discovery requests sent to the other side, and rules regarding what evidence can be admitted. If you don't even know the basics, you will be making statements when you should be asking questions and talking when you should be listening. Don't expect a letter or "written statement" to be admitted over a "hearsay" objection. And don't expect the Family Court Judge to spend hours with the "self represented". There are "windy lawyers" who want the Judge's attention too! There are times when a letter can be invaluable, but you don't know when that is, and I don't have time here to tell you.

2. Make a List of Everything You Own and Everything You Owe. The rules require you to file a "financial affidavit" containing this information. Don't say your life insurance is worth \$50,000 if that is "only" the death benefit. Find out what its worth if you cash it in or borrow on it. Get the "print-out of retirement benefits" from your or your spouse's employer. At least, scrounge one out of your spouse's desk before it "disappears".

3. Attach to Your Financial Affidavit Your Recent Pay Records, Your Last Three Tax Returns, and a Careful Three Part Monthly Budget that has;

- a. Average monthly expenses (for both of you and your kids) BEFORE you separated;
- b. Average monthly expenses during the divorce; and
- c. Average monthly expenses you expect to have AFTER the divorce.

Leave your budget out at your peril, ESPECIALLY if you are going to need medical insurance or spousal support.

4. Be Honest with Yourself. If you're dealing with serious physical or emotional abuse, an alcoholic, or drug addict, or person afflicted with a brain disease, you cannot deal with that person on your own. Beg, borrow, or steal (ha ha) the funds to retain a good attorney. Do not be afraid to use a family asset, savings or checking account, or sell something or borrow. The worst the Court is likely to do to you, unless you sell a family heirloom, is give your spouse a credit for anything you took.

5. Treat the Caretaking Functions Worksheet As the Most Important Document You Have Ever Prepared: (Remember, you need one for the one year prior to your separation and one for the two years before!)

If you are the father, you have probably heard that the "new law" gives fathers "50 custody"; not so. There are times when the mother also erroneously assumes this is true or, because of basic fairness or insecurity, she is willing to negotiate a 50 % 50 % plan, even if that is not how you apportioned the "caretaking functions" before you separated. In most instances, especially involving children under 10 years of age, the Court will look at the "caretaking functions" percentages and be guided by them. At the temporary hearing, the Court looks back one year, and at the final hearing, the Court looks back two years. In theory, the father gets primary "residential care" if he stayed home and provided most of the care for the child, but just try

to convince a 50 year old Family Court Judge that you were the "primary caretaker" (outdated term everyone uses!) of a two year old daughter. If you were, there is objective evidence out there that you were. GET IT! And ALSO REMEMBER, even a guy who worked 60 hours a week, and hunted and fished every week-end, will recall that he did AT LEAST 50 %, and his family and friends will back him up!

6. Prepare and File a Proposed Parenting Plan. You don't know how to create such a plan, so use the "one size fits all" Supreme Court form. Be careful against offering too much; the other side will usually want you to give more. AND, look at those "Restrictions"; the existence of such factors MUST be mentioned or later the Court will think you are making them up.

7. Presenting Your Case at a Hearing.....DANGER, DANGER, DANGER. If you are too assertive or interrupt, you will anger the judge. If you are too submissive, your blabby spouse will "win the day". Look the judge in the eye. Ask permission to speak. Speak plainly and clearly. ANSWER THE QUESTION! If he wants to know if your boyfriend is a pedophile, do not discuss the population explosion in China! (By the way; do I need to tell you not to have a pedophile boyfriend?? Uh oh!) Seriously, I tell my clients to avoid new romantic entanglements, and even put current ones on the shelf. You do what you think is best, for your children. But that "significant other", while you are still married, is almost always T R O U B L E .

8. Should you close out that account? Perhaps; depends on your situation.

9. Can't I withdraw all or part of our savings? Probably, but you will be held accountable.

10. If you have to appeal, it is probably too late. But, you can read the Appellate Rules and follow them as best you can.

11. When it is all over, and you screwed it up. Call me; maybe I can help. I will try not to say "I told you so." Perhaps the Court just needs to understand the "real facts". I can help you present them. I can even do your appeal.

In the end, my first advice is the best. Get a lawyer who is smart, dedicated, compassionate and fair. They are fairly rare, so be the first one to go look if possible. If not.....good luck.

Don't Be Your Own Divorce Lawyer..... #1 (2010-04-08 18:58)

This is the blog post I did not want to write. Why give away something I have every right to charge "real money" for. Besides, the "powers that be" and "administrative people" of the West Virginia Supreme Court Of Appeals are diligently working, at least from my perspective, to diminish those remaining services that small-town lawyers can perform. Why help them?

Although I admire and respect our West Virginia State Bar officers and personnel, who bear no responsibility for earlier decisions which have created the present "legal crisis", and deeply respect everyone in our WV Supreme Court, **the "institutional momentum" is based on the premise that people in rural West Virginia cannot afford to pay for legal services.** Instead, they are encouraged to "do-it-yourself" or to get help from "understaffed", "underfunded", and a nearly overwhelmed, WV Legal Aid, or "pro bono publico" volunteerism.

I feel bad for current law school graduates who plan to practice law in WV. Except for the "plum jobs" that not everyone can find, the "pickens" in our rural communities are often "pretty slim". Just look at how many attorneys are listed in a particular county on Google Maps and how many of them can afford a decent website or web presence; darned few!

Just as the "ramps" that are still abundant in WV this time of year, something "smells" in the environment of the small town and city WV lawyer.

Come to think of it, I shall postpone the "hated post" to the next one!

Powers of Attorney. (2010-04-03 17:46)

While awaiting our WV Mountaineers to take on Duke in the semi-finals of the final four, I think I will write about a very sexy subject.....NOT! Many people seem to have little clarity on the purposes of powers of attorney.

Military service members know them because they need their spouse or family to be able to move their furniture, pay their bills, and other legal matters while they are overseas. We will discuss three types of powers of attorney:

1. Special Powers of Attorney;

2. Durable General Powers of Attorney; and

3. Medical Powers of Attorney; and

4. Just touching upon something called a "living will" which isn't a traditional "will" at all.

The Special Power of Attorney is designed for a particular and limited purpose. Signing the papers to allow a movement of household goods, or to purchase insurance, or to pay certain bills, are good examples. The key is for the document to specify, with particularity, the powers conveyed.

The Durable General Power of Attorney is a powerful, nearly all encompassing, document. It cannot convey the power to swear to the truth of an affidavit, but the "attorney in fact" can sign virtually any other document that the person assigning the power of attorney can. I stress to my client that she must pick this person carefully, since, "He can withdraw all your money from the bank and send you a postcard from the Bahamas." Key to a general power of attorney is the word "durable". If the signator becomes incapacitated, e.g., by a stroke or medically induced coma, the attorney in fact still can act on the signator's behalf. Thus, his power is "durable. Many people never get a general power of attorney, relying primarily on a joint checking account, perhaps with an elderly parent, to conduct that person's business. A durable general power of attorney can save hundreds of dollars and weeks of delay by negating the need for appointment of a "guardian/conservator"

for the elderly person who becomes mentally "incompetent".

The Medical Power of Attorney

permits a designated person to make key medical decisions BUT ONLY IF the signator is unable, because of dementia or lack of consciousness, to make the decision herself. Thus, it is the reverse of a General or Special P.O.A. which convey the immediate power to act.

I prefer the Medical P.O.A. to the "Living Will", which is an "advance directive" pushed hard by medical insurance companies and hospitals to "pull the plug" rather than use "heroic actions" or "extraordinary means" to keep the living will's author alive. I prefer to trust a loved one who can confer with the doctor and apply my goals and values to such a decision. Electric paddles and intravenous needles sound terrible, but if they offer the possibility of returning to some level of quality of life, I hope my attorney in fact makes a good decision whether to use them. Binding the doctors' hands ahead of time doesn't make sense to me, so I do very few "living wills."

These documents, along with a current "**Last Will and Testament**", and where appropriate, "**Inter Vivos Trust**" are part of a plan for the orderly handling of your legal affairs. They aren't "sexy" but they can be critical, ESPECIALLY in a contentious family with LOTS of "know it alls". That is a good subject for another day. Go Mountaineers!

13.10 March

West Virginia Auto Insurance Coverages (2010-03-29 20:30)

The people of WV very much need a better understanding of auto insurance coverages. One of the most irresponsible ads on television is by Progressive Insurance. The gal with the "price gun" says, "Name your price, and we will sell you that policy." So much for, "You get what you pay for." The cheaper the policy, generally, the less coverage you get. I shall try to be concise.

1. Liability coverage: personal injury and property damage. This is the coverage you carry for injuries, to person and property, that you may accidentally cause. Selfishly, you want to carry enough coverage that the injured person will take it rather than force you into bankruptcy, or attach a lien to your house, or your paycheck! More generously, if you negligently injure another person and perhaps devastate his life, it will be nice to know he got a decent settlement so he and his family can "pick up the pieces". If you are driving around with \$20,000 per person \$40,000 per occurrence, you are risking everything and NOT being responsible to others.

2. Med Pay (Medical payments or "family" coverage): This is coverage that will pay **your** medical bills, up to a certain figure (\$1000, \$5000, or even \$25,000) promptly without regard to fault. This is paid by your carrier and can be a true "godsend". Such payments are subject to "subrogation claims" which I shall discuss below.

3. Uninsured Coverage: Or "U.M.", is coverage you carry in case the "other guy" is uninsured; that

is, has NO personal injury liability coverage. The "state minimum" is \$20,000 which is "chicken feed" if your injuries are anything more than minor.

4. Underinsured Coverage: Or "U.I.M.", is coverage you carry in case "the other guy" has minimal or inadequate liability insurance coverage. Even if the other guy has \$100,000, per person, liability coverage, you could have a \$250,000 injury. Remember, your P.I. claim includes you medical bills, lost wages, future surgery and "meds", permanent injury/disfigurement, pain and suffering, mental anguish, and loss of enjoyment of life; also your spouse's "loss of consortium (services)" claim. Sadly, you can waive ALL U.I.M. coverage. If your insurance company can produce a signed waiver, known as a "Bias Waiver", you are out of luck. If they lost it, you can get at least \$20,000 coverage under current law.

5. Subrogation Claims: If your auto "med pay" or group medical insurance pays your medical bills and you later collect from the "at fault" party's liability insurance carrier, you have an obligation to reimburse your "innocent" carrier. Subrogation can be thought of as "substitution". The carrier "stands in your shoes" for the value of its "subrogation claim". Since WV follows the "made whole doctrine", often you can compromise such claims. That is where a good lawyer comes in handy!

6. Personal and Commercial Umbrella's: You can get much larger coverages which serve as an "umbrella" over your other coverages. To qualify, you must meet your carrier's "minimum coverage requirements" for your various policies. Once you do that, you easily have \$1,000,000 of liability, U.I.M and U.M. coverage, or more. In one recent case of mine, that coverage made the difference between financial recovery and financial ruin for my clients, small business owners. But, getting the "umbrella" for U.I.M and U.M. coverages, personal or commercial, requires great care. Again, that's where a good attorney can help.

Call me or write with any of your insurance coverage questions BEFORE you have your wreck, or AFTER! Sometimes we can even help AFTER the statute of limitations runs; otherwise, **"The saddest words your insurance adjustor can say is, "The statute ran the other day."**

The Nuts and Bolts of Family Court (2010-03-24 20:52)

Although I have several subjects in mind relative to my personal injury, trial, and mediation practice, I will today follow up on my Monday, March 22, 2010 post.

(Note: As I edit this on Feb. 9, 2012, I cannot figure out where all the highlight red come from, or how to make it go away. The content remains usefull for anyone contemplating or being sued for divorce, in Wv. If you are in another state, be sure consult a lawyer in your state. J.B.H.)

This is not my effort to help you "do-it-yourself". In my opinion, "do it yourself" simply cannot be done effectively regardless of your intelligence, because, with all due respect, you lack the experience base, and the knowledge of applicable law. Institutionally, the "powers that be" in West Virginia, the West Virginia supreme Court of Appeal, The West Virginia State Bar, and others, seem not to care that the Family Court Bar is dwindling, or may even desire to create a system where the parties are no longer represented by counsel.

Here are the basics:

1. Our civil justice system is an "adversary system". Unfortunately, the assumption is that the

interests of the participants are different and their most natural mode adversarial. Often this is true.

2. As a counter to this assumption, some good things have been done. The parents are required to take a "parenting class" which I will discuss below. Parties with children are required, and parties with other issues encouraged, to participate in family law mediation .

3. Most cases begin with a formal pleading document known as a "Petition";

4. The person served with petition usually has 20 days to answer, so their responses called an "Answer".

5. The person filing is the "Petitioner"; and the person answering is the "Respondent".

6. The Respondent may file a counter-petition with the Answer .

7. The most common issues in a divorce are:

a. The
grounds for divorce
, whether fault or no fault-based;

b.
Custody
, now called
residential care
, of the children;

c. Other
parenting rights
such as
decision-making

;

d.

Access to records

;

e.

Child support

;

f.

Spousal support

(

or alimony

);

g.

Equitable distribution
of property and debts;

h.

Whether a
restraining order

1402

should issue;

i.

Attorneys fees

; and,

j. Temporary issues such as possession of a car or house.

8. Persons seeking relief after the petition and answer have been filed, often file "Motions".

9. Typical motions are "A Motion for Temporary Relief", " Expedited Motion for Temporary Relief", "Motion for Rule to Show Cause (Contempt)", and tactical trial motions.

10. The "financial affidavit" must be filed with the divorce Petition and Answer and accurately reflect the marital, and separate, debts and assets as of the date of separation .

11. The mandatory "Proposed Parenting Plan" can be filed jointly by agreement but more often is filed individually by each party stating her and his desires relative to custodial rights (residential care), time with the children (visitation), decision-making, access to school, medical and other records, and any limitations to be placed on the other parent because of a history of drug, alcohol, physical or sexual abuse, or anger management issues.

12. In West Virginia, most family courts require a " Caretaking Functions Worksheet ". Where both parents are fit, the court is bound to consider strongly the manner in which the parents shared "caretaking functions" prior to the separation.

At the temporary hearing, the court is supposed to look back one year, and at the final hearing the court is supposed to look back for two years. It is not unusual for each parent to parade 6 to 8 loyal friends and family members who swear under oath to careful observations of the parties and to their belief their friendrelative provided most of the care.

From my experience, barring serious addiction problems, mothers are more likely to provide the majority of hands-on care to younger children. Most family courts seem to believe this, and it is an "uphill fight" for the father and his lawyer to prove otherwise. Objective evidence on this issue include canceled checks to local food store, credit card records, records of parent teachers conferences, record regarding which party brings the children to the doctor or the dentist, testimony of of child care providers, etc.

13. The "parenting class" is not a "how-to" class. It is a class of "do's and don'ts" for divorcing people. Many of these are listed in my recent blog post.

The arrogance of a parent who walks out of a marriage, into the arms of his lover, who then immediately exposes vulnerable children to this new person in his life, dumbfounds me every time it happens.

Even assuming the marriage was not a happy one, and that a rationalization can be made for the affair, there is no justification for confusing the children by exposing them to a pseudo-parent figure so soon after the break up. Such behavior just enrages the other parent. If there is a hell, surely there is a special place for people like this.

14. "Self represented" or "pro se" parties follow a different track in divorce litigation. Their hearings tend to be shorter and the outcome more uniform, "one-size-fits-all". Skilled attorneys can help distinguish their client's case from the "run-of-the-mill".

15. There usually has to be some type of preliminary or temporary hearing . The judge in our three county jurisdiction has his case manager to conduct telephone interviews called "case management conferences", make sure the basic documents have been filed, and to generate a scheduling order that usually includes mediation.

16. "Temporary Hearings" have been taking 6 to 8 weeks in the jurisdictions where I practice. This is the time when temporary custody is determined, child-support calculated, temporary alimony determined, possession of the house and cars awarded, and perhaps a restraining order .

17. People have found another "portal" into family court. This is the filing of a domestic violence petition. Fortunately, the court can now separate a "domestic squabble" from "domestic abuse" and issue a "no unwanted contact order" without having to find abuse against either party. From my experience 20 to 30 % of the cases involve serious abuse, and the balance involve various types of "dust-ups" where someone decides they can gain an advantage in custody or other issues by filing such a motion. This used to bother me, but since courts have become more adept at telling one from the other, I routinely negotiate the less serious ones into "no unwanted contact" and other preliminary issues.

18. Mediation : The majority of cases here in central West Virginia are resolved through settlement negotiations, usually with the help of a mediator. Of course I'm talking about cases with lawyers involved, since I am one. I do not think I have encountered a self represented litigant who has read the Rules of Family Court Practice, let alone understood them. They always want to argue something the Court thinks is not important, and they often alienate the Court. Frequently, I represent former self represented litigants who are hoping I can reverse the misfortune they have already encountered. Sometimes I can, and sometimes I can't.

19. At the end of the case there is the Final Order, the agreed "Permanent Parenting Plan", attachments such as the "Child-Support Worksheet",

Motions for Reconsideration , and Petitions for Appeal . Such petitions are usually filed first with the Circuit Court , but failing to win there, litigants can go to the West Virginia Supreme Court of Appeals, which presently accepts only about 1 out of 10 petitions and grants even fewer.

Questions on these matters can be sent to me at hunterjb@hunterlawfirm.net or through our "Tell me about your case." portal on our website, www.hunterlawfirm.net . The WV Supreme Court has its website, and "do it yourself" information. I caution you, represent yourself at your peril, and your children's!

As they say on the motorcycle ads, "Don't try this yourself. It requires a trained professional"!

Common Mistakes of Divorcing Parties (2010-03-22 21:28)

The following may be obvious to everyone; if so, lots of people are willing to ignore good sense.

Mistakes of married people: (Apologies to Dr. Laura)

1. Lack of mutual respect;

2. Failure to treat one's spouse as an equal;

3. Failure to say, "I love you." and to put your spouse above all others. Your spouse is the only one you have pledged to "cleave to" for life. You leave your parents, and your children leave you. Your marriage was to be "for life", and your spouse was supposed to be your best friend. What happened?

4. The opposite of #3 is insecurity evidenced by jealousy or resentment of your spouse's spending time with friends or family.

There is a balance, which healthy relationships have.

5. Addictions of all kinds.

I once had a client accused of spending six hours a day on Internet porn and drinking two cases of beer a day. His response, "That's a damnable lie! It's no more than three hours and one case!" I knew that marriage was in trouble.

6. Controlling and abusive behavior.

Just read the ten, "Did you ever?" questions on the back of the Women's Aid in Crisis Brochure. "Put-downs, insults, threats, and "mental games", damaging personal property, injuring or threatening pets, and violence and the threat of violence". Watching people with these problems interact during a mediation is absolutely fascinating. Their inability to think constructively, avoid recrimination, and resist attempts at domination, is stunning. There are people who can help such folks reduce the conflict, at least so they can raise healthy children; more on that in a later post.

7. Lack of a moral center.

this includes everything from profanity in the home, failure to belong to organizations, including churches, that promote moral behavior, failure to make sure the children complete their homework, or join groups at school; failure to find time for the children, failure to monitor television and computer use, allowing t.v.'s and computers in the kids' bedrooms, failure to promote proper diet and exercise among family members, and simple selfishness almost guarantee problems within the family. And, the abuse victim is often a BIG part of the problem.

Mistakes of divorcing parties: (Or, just as you screwed up your marriage, you can screw up your divorce.)

1. Exposing the children to the "significant other",
especially in the weeks immediately following the separation.

2. Involving the children in the divorce

and speaking negatively about the other parent, or permitting others to do so. I have had clients swear to me they have never done this only to have them say things to me in the presence of their children that make me cringe. When I chide them, the common response is, "Well it's true!" There is much that is true in the world that you would not expose your children to. No doubt, your children will figure out for themselves the flaws of their parents, but they are likely to remember well your efforts to demean someone they love. Some clients interpret my advice to be that they should lie to the children and pretend the spouse has no flaws. Wrong! The "parenting class" that every divorcing parent is required to attend gives parents the tools they need to make sure the children did not believe the divorce is their fault, to explain their going through a process that will

eventually resolve, and to create a life as normal as possible for the children during the transition.

3. Cutting off the other spouses utilities, auto insurance coverage, medical insurance;

trying to create insecurity or fear in the other party (Something that gets me more clients than just about anything else), and forgetting "the Golden Rule, yet such behavior is utterly common.

4. Failure to pay child support or contribute to the family budget voluntarily post separation.

Clearly, there are fundamental bills that have to be paid. Collaboration by the parties and making sure they get paid is critically important but often strongly resisted. Couples with \$15,000 of unsecured consumer debt have been spending \$300- \$500 a month more than they make for years. Yet, often the husband finds this to be a perfect time to buy a new truck! Not to pick on husbands, but when there's a girlfriend in the picture, this is the time to show her he is a "big shot" with nice gifts and a busy "social life", often defined as a trip to the local karaoke bar. If there was a shortfall while the parties lived under the same roof, it should be obvious that the shortfall will be greater when the parties have separate budgets. That is why I counsel my client, and request the other party, to continue maintaining the family finances as they have been doing. Many times we can avoid child support and alimony payments simply by keeping the bills paid.

5. Hiring the most contentious, expensive, attorney you can find.

Although I get many clients because of my reputation as a "bulldog", I urge people **to ask lots of questions of friends and acquaintances**, especially in the small town environment where an attorney's reputation is commonly known. Rather than hire someone who "fights" over every issue, find someone who understands people, cares about them and their children, and looks toward your long-term best interests and your children's instead of short-term "gotchas".

Also find someone with sufficient experience, staff, and diligence to push your case forward, to file pleadings on time, to complete orders as directed by the court, and to use mediation to its full advantage. The "common cold" of mediocrity and family law attorneys is a lack of imagination. Let's face it, there aren't that many lawyer poets, artists and authors, Grisham and Steve Coonts excepted. Steve was a Buckhannon Attorney by the way!

Doing something because, "That's the way we always do it." is no reason, but many lawyers justify their advice with such a comment.

6. Failing to maintain currency in technology and continuing legal education.

7. Being "loose with the truth" or even lying to the judge.

The former is common; the latter more rare. It is so easy for a lawyer to say the first thing that comes to mind instead of verifying the truth or testing her client's story.

One advantage I have after 38 years is a full array of "lie detecting techniques". I probably cannot articulate many of them, but spotting a lie these days is usually pretty easy for me. Give me a "truthful sinner" any day. A client who will tell her attorney the truth is better for that attorney than a "better" person who chooses to "shade the truth".

I have great confidence in my ability to give good advice but it is only as good as the facts I am working with.

Apologies for the length of these posts, but finding that perfect time every day for a short "pithy" post is pretty difficult. Sometimes these things just accumulate.

Burt Hunter

Miscellany and WV Irish Road Bowling (2010-03-22 20:31)



[1]

Today I shall make two posts, both with the help of Dragon Naturally Speaking.

1. Recently, I had some difficulty with the document assembly program Pathagoras, so I wrote to designer/owner Roy Lazris with my complaint, and received a call within five minutes. It turned out I had made my final edits to my template on a newer version of Word, then used the older one. Roy provided tips so that I can edit variables much faster and more accurately. Thanks Roy. **(Note: recently Pathagoras was listed as one of the two best document assembly programs by ABA Solo Magazine's Newsletter. J.B.H. 2/17/2012)**

2. Today I learned something startling; that is, if I mention Pathagoras, HMU Consulting, or "The Facebook Era", I am likely to get a post or an e-mail from the author or the owner. How can this be? Well, I learned in reading the April 2010 volume of MAXIMUMPC, "The Power User's Guide to Google", page 29, that I can go to [2]<http://google.com/alerts> and create an "alert" for almost anything. So, I set up an alert for "J. Burton Hunter III", "Burton Hunter", and "Burt Hunter". Now, if any of you mention me, perhaps I will find out (and come to get you.) Scary huh? The serious part is, especially in my divorce practice, I can p.....s people off without half trying, so web visibility is a "two edged sword".

3. People can say bad things about me and probably will. At least I can track what they say. Sirius Radio had an ad for a product to "manage your web appearance". Perhaps that will become a must for most of us some day.

4. Why would a small town attorney write on the subject of "West Virginia Irish Road Bowling"? It is simple. An attorney who depends upon being found by the people of his community has to be part of that community. That is why I spent 17 years as a coach in the Upshur County Youth Soccer League; not just to get clients of course, but to be part of the community. It also explains why I spent years as the President or Vice President of the Upshur County Senior Center, a member of the Buckhannon Rotary club, a board member of the Upshur County Family Resources Network, Board Member and Chair of the Upshur County United Way, Board Member of Progressive Bank, Buckhannon, N.A., a member of the choir at Chapel Hill United Methodist Church, and a board member of the West Virginia Trial Lawyers Association, now West Virginia Association for Justice(W.V.A.J.); and our children's P.T.O.'s

5. I will provide more detail on West Virginia Irish Road bowling a later time, but it was fantastic on Saturday, March 20, 2010 to have perfect weather and more than 60 four person teams competing, a

record, to my knowledge for any Irish Road Bowling tournament in West Virginia. **You may find more at [3]www.wvirishroadbowling.com . Or, just send me an e-mail at [4]hunterjb@hunterlawfirm.net , and I shall invite you to our West Virginia Irish Road Bowling Facebook group.**

6. As many of you know, the West Virginia version of Irish Road Bowling came straight from the imaginative brain of our founding father W. David Powell who maintains the website above, and is always ready to discuss his favorite avocation. David has made hundreds of friends and devotees of Irish Road bowling in the eastern United States. He has helped spawn clubs in other states including the Asheville North Carolina Irish Road Bowling Organization founded by my son Justin (Justin Robert Hunter) and wife Jessica. Son Christopher, of Weaverville N.C., created their Logo!

7. Irish Road Bowling is based upon the same concept as golf, fewest throws win, and is several hundred years old. Available evidence strongly indicates that West Virginia Irish Road Bowling took place among first generation Irish soldiers in the Civil War. A client sold me a "bowl sized" cannonball which he claimed to have found in a cave in southern West Virginia, so I also claim that road bowling took place here during the civil war.

8. Although I am a "Hunter", mostly in name only, I love to take part in those things available in my part of the country, fishing (pond, lake and stream), community festivals (Ramp, Strawberry, Forest and Irish), and hiking. Not to do so would be like failing to take in jazz in New Orleans or New York, or missing the River Walk in Savannah.

Burt Hunter

1. <http://hunterlawfirm.net/wp-content/uploads/2010/03/Burtbowlingcropped.jpg>
2. <http://google.com/alerts>
3. <http://www.wvirishroadbowling.com/>
4. <mailto:hunterjb@hunterlawfirm.net>

Mediation, Collegiality, and Professionalism (2010-03-07 02:35)

I continue to utilize Dragon Naturally Speaking by Nuance but recently could not resist recently asking Nuance's sales representative why Dragon cannot learn to spell its name or the name of its publisher.

The subjects of "mediation" and "collegiality" are a recurring theme on my website. To me, they go hand-in-hand. The most competent and professional attorneys seek first to ascertain whether there is a middle ground or resolution open to the contesting parties. Sometimes, the communication is so bad that the

parties don't even realize they are in substantial agreement as to the outcome of the case. Attorneys with limited experience and imagination seem only able to reflect their clients' weaknesses. Therefore, an attorney with an abusive client acts abusive, and an attorney with an addicted client may cover up and make excuses for his client. Many times the mediocre attorney fights for her "client's rights" without ascertaining that client's desires, needs and values. Or, if the client's values are mediocre, the mediocre lawyer does nothing to try to improve that client, so they both remain mediocre. **At the very least, there are two very different forms of mediation.**

1. The first to arrive on scene was "civil mediation" which showed up in the federal district courts. As it has evolved, no competent attorney will allow their personal-injury client, with \$50,000 of medical bills and an equal sum in lost wages, to be "eaten alive" at mediation by an experienced insurance representative or attorney. As a result, civil litigators who try cases involving personal injury, claims against insurance companies, premises liability cases, and even "will disputes" and boundary line and right-of-way disputes, expect to attend mediation and prepare accordingly. While these cases often involve strong emotion, the attorneys are generally adept at avoiding personal attacks and recrimination. In other words, attorneys defending such actions are not "personally offended" that the action was brought, and plaintiffs' lawyers are usually fervently hoping the matter can resolve without a full trial. They don't have time for "pissing around".

b. The other form of mediation is "family law mediation". Sadly, the origins of family law mediation in West Virginia have led to a tragic flaw in family law mediation as it is practiced in most parts of the State of West Virginia. Only where strong judges require mediation and foster the concept that lawyers go with their clients to mediation, is, in my opinion, mediation really effective. I admit I do not have statistics to back this up, but, strangely, I am aware of absolutely no effort to maintain statistics on whether or not mediation is successful. Also, from my experience, when there are two competent attorneys and two fit parents free of severe alcohol or drug addiction, or a history of domestic violence, mediation in the jurisdictions where I practice is successful nearly 90 % of the time. Cases involving the former are, of course, always problematical. Simply, alcoholics, drug addicts, and people with uncontrollable tempers, simply cannot keep their word.

The "origin of family court mediation" that I refer to above was a small budget "pilot project" which began in the Eastern Panhandle of West Virginia and which began with the premise that you can mediate "only children's issues", use "non-lawyers" to keep down the costs, keep the participants ignorant of the tremendous ramifications of "technicalities like agreeing or not agreeing to a few additional "overnight stays", and that the lawyer can stay in her office and send the vulnerable client down to negotiate her or his own divorce. (By the way, that minor technicality can make the difference about which parent gets the children if the other moves from the state!)

As a result of a party's not having an attorney, I have seen self represented parties forced to pay off the \$20,000 loan on their former spouse's Ford Crown Victoria, lose their share of the former family residence, after the children turned 18, lose their rights to a 50 % share of their spouse's retirement funds, give up well deserved spousal support, or pay double the child support they anticipated, because they did not know to negotiate for "three more overnight stays" per year. I have watched videos of mediators proudly tricking people into agreements by declining to educate them on the law and allowing them to give away valuable legal rights. I have seen well-intentioned non-lawyer mediators (by profession, counselors, school teachers, or homemakers) who were thoroughly intimidated when lawyers accompanied their clients to mediation. I have also heard them bitterly complain about the presence of lawyers at mediation, largely before because the lawyers who were appearing during the first few years had not bothered to educate themselves on mediation and did not come to mediation with a constructive attitude.

On the issue of "collegiality", just this week I received another letter from a colleague accusing me of lying. I was not lying and that accusation offended me. And, I certainly will not hesitate to complain

about bad behavior such as a failure to pay child support, a failure to return my calls, or a failure to make proper financial disclosure. But I try not to attack the other attorney personally. I try to speak candidly with that attorney, and, where possible, I even acknowledge weaknesses in my client, or my oversights, so that I can assure the other side we are working on those weaknesses and correcting my oversights. In my opinion, the worst thing an attorney can do is deny to himself his client's addiction or abusive behavior. Only by getting an accurate picture of that client, can the attorney encourage the client to improve and get appropriate help. It is very difficult to rear children together when the parents stay together and have mutual love and respect. It is virtually impossible when the parties detest or lack respect for one another or try to control one another instead of putting their children first. Jealousy, and hatred, and feuding families, get in the way of "putting the child first".

I believe that everyone who goes through a divorce should read carefully books such as "Children in the Middle" by Garrity, or Dr. Laura's "The top 10 Stupid Things Women (Or Men) Do To Mess Up Their Lives". In fact, my next post will be some of the "do's and don'ts" for people going through a divorce or custody fight.

More on Technology - Moving Outlook to "The Cloud" (2010-03-03 21:50)

A lawyer can spend his/her day speaking and interacting with people, in person, by phone, e-mail, even social networking, or Skype ,but **how much work that attorney completes can be drastically affected by technology.**

Today I spent the day with Brian Cluxton of HMU Consulting of Columbus Ohio. His technical skills doubled the speed of my network and moved my Outlook application to "The Cloud"! I have had the potential to do this for at least a year but not the ability.

Now I can access my calender, task list, contacts, and e-mail from any location and any computer. Before, I had to divide those tasks onto two, and sometimes three, computers. The same for my Blackberry Curve. Now our "contacts list" will have every "contact" I have, and my family and friends won't be on a list separate from my colleagues.

This increases the capability of my cell phone, allowing speed dialing to anyone.

By being able to convert documents to PDF format, and e-mail, I was able to settle two cases and make progress on another. When my colleagues learn this stuff, we can view an order or agreement on our own screens and make collaborative changes "on the fly".

With the right attitude, we can cooperate for the mutual benefit of our clients. It is immensely frustrating to have an adversary who feels they must be an "ADVERSARY" in the worst sense of the word, demeaning my client, covering up for his clients mistakes, and reflecting her client's personality, even if it is an abusive one. Life is too short, and the lives of the children too precious for an attorney wasting time acting that way.

For a few minutes today, while we where changing our e-mail set-up, a colleague used to e-mailing docs had to resort to the "old fashioned" method of a fax; clearly, a step backward, but don't throw

away your fax machine, yet! A quick call to that attorney diffused a tense situation between our clients and saved a negotiated parenting. Now that's the attitude I appreciate.

You should question the attitude of your attorney if they want to treat the parent of your children with more harshness or incivility than is necessary. Smart lawyers even try to treat abusive persons politely, firmly, but politely.

And, need it be said, that when the other side will not allow civility to prevail, you had best have an attorney who can try your case in court, and get the best result possible! The next few posts will be some "top ten tips" for parties and attorneys. Stay tuned.

Burt Hunter

13.11 February

Websites, Blogs, Practice Areas, Lawyers Who Fail to Communicate (2010-02-24 21:41)

I spent an hour today on [1]www.PCGoToMeeting.com with my FindLaw representative, Matt. Interesting that a sophisticated , and costly, site such as [2]www.hunterlawfirm.net may not draw as much attention as a well maintained blog.

I still like my site and hope others will too. I have video clips and information on my practice areas. I think the key is to have compatible sites, a blog, a firm website, even a FaceBook professional page, links to my Linked In professional profile, and maybe a bit of chatter on Twitter. FINALLY, I may have an outlet for my verbosity; I mean for my "articulate communication"!

(Note: since writing this two years ago, things have not got better. A professional site hosted by a big name publisher simply is too ponderous to adapt to the ever-changing Internet marketing and social media advertising scene. I am exploring alternatives that will allow my videos, links, photos, and ideas to be more compatible with my professional site.)

My "Bread and Butter" practice areas are auto collisions, truck accidents, motorcycle accidents, "slips and falls", although I don't like that title, industrial accidents, medical malpractice, legal malpractice, insurance claims of all types; also, my family law practice, child custody, contempt, alimony, division of property, called "equitable distribution", domestic abuse, grandparents' custody claims, and adoption; and, civil litigation such as will disputes, boundary line disputes, contract disputes, mineral and timber trespass . "Slip and Fall" is a shorthand term for "premises liability". What if you go to the store and a 20 lb. box falls from above and gives you a concussion, affecting your ability to work. Those are hard cases to win, but we we accept them and succeed with them.

So, also, if you are injured at work because of an "unsafe workplace". There are remedies under WV's "Deliberate Intent Statute" beyond your simple "workers compensation" claim.

Funny how certain lawyers who advertise heavily fail to communicate with their clients. Just got hired by a nice fellow who waited patiently for a year, met his attorney once, and just learned his lawyer took another job and did not call or send him a letter of regret. He has a serious injury, but his lawyer did not call him to get updates of his condition, never sent him copies of correspondence to the insurance adjuster, his doctors, or even to the police for their report. His case should already be to "pre-litigation mediation" but no one has told the poor fellow what mediation is.

If you are injured and don't hear from your lawyer at least every week or two, call me. We won't treat you like that. You will know what is going on at each stage of the case, and we will "move heaven and earth" to help you resolve your case without a suit. Fees are lower without the suit, and money changes hands much quicker.

Of course, this only can happen if the lawyer has acted professionally throughout, not alienated the adjuster, and convinced the adjuster that she/he DOES NOT want to face that particular lawyer in the courtroom. It is a delicate balance, but it can be achieved.

1. <http://www.pcgotomeeting.com/>

2. <http://www.hunterlawfirm.net/>

Dictation with Dragon Naturally Speaking (2010-02-21 19:51)

(Note; as of Feb. 6, 2012, the jury is still out on Dragon. Perhaps the neatest development is its arrival on my Apple iPhone 4s. It only takes a paragraph or two. The key will be when it can process enough data for most routine orders and memo. They kind of thing that now goes into an e-mail. This morning, I left a note for all five office staff. Each got it at her desk, already typed. Before I might have left a voicemail. Tabatha would have taken notes, typed an e-mail and sent it to everyone. Now we can skip that step, but we need a free app to do a couple of pages. And it still needs to be more accurate and learn better, but I use Dragon every day with my laptop for long memos and orders that staff would otherwise have to type from dictation. It is a very exciting time to be a lawyer.)

I am creating this post with an application called "Dragon Naturally Speaking 10, Preferred", by Nuance. I still have a ways to go in learning to use it intuitively. As most of you probably know, Dragon converts audio dictation to print. It can keep up with the normal conversational speed. I find it particularly helpful to dictate memoranda of initial client meetings, letters, and documents without lots of technical legal citations. Now that I have my new Logitech headphones and mic (Duffy the dog having chewed its predecessor to pieces!), and configured them to this program, I believe I will be using Dragon almost daily.

With two of our staff away on medical leave, I hope, in part, to keep up with the workload by using the Pythagoras document assembly software mentioned in a prior post, and Dragon. I can send the documents to my assistants via e-mail, so that their task is simply to look up missing variable information, format to their needs, and properly title or address the document.

I believe I have also mentioned our Fujitsu ScanSnap 1500 scanners which come with Adobe Acrobat standard. Each one stands up to 20 double-sided pages a minute, so, theoretically, we can scan 280 pages a minute when "all hands are on board"! ScanSnap documents can be saved as "searchable PDFs" or Word or text files.

When fully integrated, this ability to manipulate, process, scan, and publish words and documents should provide to us what the late Mark Donohue and Roger Penske called, "The Unfair Advantage". When an emergency Ex Parte Petition must be filed within an hour, or an imminent deadline met, such tools provide the critical difference between timely production of documents and missing the mark.

Please, if any of you have technical tips or ideas that match up with or even counter mine, do not hesitate to post them.

Positioning One's Self for the Changes That Are Coming. (2010-02-18 21:58)

(Note; update Feb. 6, 2012. This post was more prescient than I knew. Updating my technology, becoming comfortable with social media, claiming my place on a dozen social media sites, writing a 200 page blog, keeping up my newsletter to colleagues, and maintaining a presence on Facebook, Twitter, Linken In, Youtube, and others have been tremendously time consuming, but they have been fun and rewarding too.

With the things I have learned, see "How To Be a Tech Savvy Lawyer" below, I have improved my efficiency and visibility, and hope I am positioned to ride the wave we will have during the next five years.)The "t.v. lawyers" still have their niche, but even they will not succeed if they are not Internet Savvy. J.B.H. III)

They say this economy is the time to position one's self for future growth and success. I concur. So, I have completed a robust Findlaw (By West/Thomson) website, [1]www.hunterlawfirm.net ; a J. Burton Hunter III Facebook Page, and this blog. I have taught myself how to use Pathagoras ([2]www.pathagoras.com), Snagit, and various other software. I read half dozen "computer mags" a month. Have purchased Word 2007 and read it's manual. Am planning on sending out 700-1000 letters for former clients offering them access to these valuable tools. And, am reading "The Facebook Era".

"Times are Changin" and I intend to be in the forefront of that change for the legal profession. With these three sites, I intend to share information and content which is simply not done by other attorneys. **It is not "do it yourself"!** How can I teach you to do in your first case, or claim, what I have done thousands of times? I cannot, and you should not!

Rather, I wish to educate you on the issues, on my fees, my experience, and other things a person needs to know before hiring an attorney. All types of litigation have pitfalls and potholes, but family law, and personal injury and insurance cases, have some especially dangerous risks. I will list more of those risks in future posts.

Burt Hunter

1. <http://www.hunterlawfirm.net/>
2. <http://www.pathagoras.com/>

The Rhythm of Writing a Blog (2010-02-17 21:04)



[1] **I think there is a rhythm to writing a blog.** I am beginning to get a feel for it. I have at least a couple dozen subjects I want to cover. And, I have to figure out what works here, what is appropriate to put on my more permanent site, [2]www.hunterlawfirm.net , and what should go on my business **Facebook** site, J. Burton Hunter III and Assocs., PLLC.

A potential client must realize that finding a family, or personal injury, attorney is not like choosing between WalMart and Target, or Food Lion and Krogers. The approach of a lawyer to her/his tasks varies greatly.

Too many attorneys mix up a short term, adversarial, approach with their clients' long term best interests. Too many attorneys lack creativity, and too many attorneys resist change, especially in technology. Frankly, the changes in our society are pretty scary to me. Sometimes it seems things are "falling apart", perhaps because they are! A well qualified attorney can help bring sanity to that "chaos", and provide a basis for a "fresh start".

The main thing I wish to convey in my message to the public is my passion for what I do, my commitment and my staff's to our clients' best interests, and our desire to do our job for a fair fee, in a timely way. Who can go wrong with an attorney like that looking out for them? This approach has worked for me!

1. <http://hunterlawfirm.net/wp-content/uploads/2010/02/Burtatcomputers.jpg>
2. <http://www.hunterlawfirm.net/>

Burton Hunter's Practice Areas; Brief Overview (2010-02-14 19:00)

Burt's Practice Areas:1. **Personal Injury: The main emphasis of my practice has always been representing individuals.** I like to represent injured persons. They are invariably "normal people" who have read all the garbage put out by the insurance industry. Most are anxious for me to know they aren't like those "other people" they read about, "The McDonald's Coffee Lady", etc. They are surprised to learn the "real story"

about the McDonald's scalding coffee incident. Of course, my best pay days have been my injury cases, but they are very satisfying, as my staff and I help people work through the trauma and recovery. Fees are totally dependent upon my success. I earn a fee only if there is a recovery. And, the more I collect, the larger the fee, and the larger the recovery for the client; pure capitalism.

2. Family Law: too many people believe they cannot afford or do not need a lawyer. I have written a short article for my law firm's Facebook page, listing 10 circumstances I have actually encountered where the person was severely prejudiced by not having a lawyer. I like to apply my experiences and my knowledge of human nature to the "game plan" of each family law case. Dealing with abusers and addicts can be very difficult. But, most people can learn to work together, with my help and a good mediator, and sometimes as "worthy adversary" to negotiate a "parenting plan" and "property settlement agreement". I have a lot of information, including "F.A.Q.S" and videos, at my website, [1]www.hunterlawfirm.net .

3. Civil Actions: West Virginians will go to court over, disputes over "Dad's Will", a boundary line dispute with a neighbor, or a partition of jointly owned land. I devote about 20 % of my energy to such matters. More later.

1. <http://www.hunterlawfirm.net/>

Today I Am at the WVAJ Mid Winter Meeting. (2010-02-12 19:32)

Today I am at the WV Association for Justice Mid-Winter Meeting. W.V.A.J., formerly WV Trial Lawyers Assoc., is the state organizations for lawyers who focus primarily on representing individuals in civil litigation. The majority of my significant professional relationships and many of my best case recoveries are a direct result of my affiliation with this organization.**As a young man, I was always curious, but often not an attentive student.** Now I love attending seminars, staying current with changes in the law, technology, and office management.

And, **I NEED updates in the ethical rules that we must follow.** Some attorneys come to C.L.E. (Continuing Legal Education) rarely and reluctantly. I respectfully disagree with that. We should look for every opportunity to attend seminars in our field of practice, and, sometimes, I go to seminars in areas such as bankruptcy or consumer law, areas I need to keep track of, even though I don't practice there.**This seminar has inspired me to set up a Facebook page for my law practice, and to link it, this blog, and my <http://www.hunterlawfirm.net> website.** I hope to give my readers the "real poop" on practicing law in central WV. This is information and OPINION. It is NOT legal advice. Do not try to be your own lawyer. You will be sorry! But this information may warn you of pitfalls and give you insights into what to expect of your lawyer and how to communicate with me/him/her.

Burt Hunter

14. 2009

14.1 March

Launching My Revised Website and Blog (2009-03-01 04:32)

All of my energy, recently, has been put into my new website. The old content is @ five years old.

By next week, Mar 1-7, 2009, I expect the new site to be up and running.

[1]<http://www.hunterlawfirm.net/>

The photos are mine. The videos I did in my law library. They are similar to the F.A.Q. text. I did not read from text for the more recent videos. They strongly represent views I have already written about. And the words are mine too, from a long interview with the Findlaw people. I hope the site has some good content, and, of course, I hope it gets me some new clients.

Note: since writing this, my [2]www.hunterlawfirm.net site has been revised a second time. I am still trying to get Findlaw to upload my 50 new videos, but you can view that at the JBHunterIII Youtube Channel. And, I posted 118 more blog articles at [3]www.burtonhunteresq.blogspot.com . I hope this content will be useful to you and your family. (J.B.H. 02/19/2012)

Burt Hunter

[EMBED]

1. <http://www.hunterlawfirm.net/>
2. <http://www.hunterlawfirm.net/>
3. <http://hunterlawfirm.net/>

15. 2008

15.1 December

My First Post December 23, 2008 (2008-12-23 22:32)



[1]

The post below is my first surviving blog post, edited slightly. I then rested for a year, but in the last two years, I have posted 120 articles that I shall now attempt to edit into a Kindle e-book.

I was born in 1946, in Wheeling WV. The photo above is my Grandfather (Michael) Earl O'Grady holding me in downtown Wheeling. It predates my earliest childhood memories.

As a Blogger, I have been a failure. I posted a nice little introduction over a year ago, and now it is gone. My web designer asked me for a "personal" bio for my website. Here it is.

Burton Hunter may have "old fashioned" values, but they are not outmoded. Burton's values come from his upbringing in Wheeling WV. They come from the choir and youth fellowship at Christ United Methodist Church, from being a Cub Scout, 4-H Club member, a student in Ohio's County's excellent public school system, and at Linsly Military Institute from 8th through 12th grades.

Hunter graduated from W. V. Wesleyan College in Buckhannon, with a B.A. in Government and History, and from the W.V. University College of Law, followed by four years in the U.S. Air Force Jag Corp where he earned the Air Force Commendation Medal.**Burton Hunter and Nancy Lynne Goodfellow, of Fairfield Ct., met at W.V.W.C. and married in 1969.** They have four children, John, Christopher, Justin, and Laura, and 3 grandchildren, Anna, Jack and Lucille. (Since this was written, we have been blessed with Grady Daniel Hunter, now one year old.)

Hunter was the recipient, in the 1990's, of the WV Trial Lawyers' Association's (now WV Assoc. of Justice) Member of the Year and President's awards. He was a member of the Board of Governors of the Trial Lawyers, now WV Assoc. for Justice, for 20 years. He remains a loyal member.

In his home town of Buckhannon, Hunter coached youth soccer for 17 years, served as President, and other offices, of the Upshur County Senior Center, chaired the United Way campaign, sat on the board of the Upshur County Family Resources Center, has sung in the Chapel Hill United Methodist Church choir for 20 years, and served as President of the Upshur County Bar Association. He was also a member of the Buckhannon Rotary Club and Buckhannon Upshur Chamber of Commerce. (Note: Hunter is now active in the WV State Bar and a member of the American Bar Association, ABA. He has become very active in social media including Linked In, Face Book, Twitter, and YouTube, where he has posted over 70 informational videos. He seeks feedback, questions, and suggestions from all sources.

Hunter has represented hundreds of personal injury victims, handled around 3000 family law cases, and handled hundreds of insurance claims, civil suits, and a wide variety of other matters. Now he prefers to focus his practice on personal injury and insurance, divorce and family law, mediation, and civil law suits.

Hunter has been heavily involved in technology, innovation, and continuing legal education throughout his career. He acquired his first computer, an Apple II, in 1981, and has been learning ever since. His office uses dozens of computer applications.

(Note: since this was written, Steve Jobs died, but not before giving us the iPad and iPhone 4s., both of which have enhanced Hunter's connectivity. And Fujitsu ScanSnap personal scanners, Dropbox.com, hosted Outlook, and other amazing innovations, have revealed a portal to the mythical "paperless office". Alas, the paperless office remains the goal rather than reality.)

Burton Hunter believes in hard work, protecting his clients, applying "common sense" to the practice of law, and staying current in his profession. For over 30 years, Hunter's office light has been the first to come on in Buckhannon most mornings. Drive by before 7:00 a.m. and you can see it.

(Feb. 4, 2012. **This shameless self promotion remains essentially true.** Every lawyer has a personal life, and I treasure mine. My wife of 43 years, four children, four grandchildren, three daughters in law, family, and friends, great staff, and good health make up the foundation that permits me to protect my clients' and their families' best interests. I am seeking new tools and methods, and striving to enhance the professionalism of the legal community.)

1. <http://hunterlawfirm.net/wp-content/uploads/2008/12/Grandpa-2BEarl-2B0Grady-2Band-2BBurt-2B1949.jpg>



BlogBook v1.2,
L^AT_EX 2_ε & GNU/Linux.
<https://www.blogbooker.com>

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