

# THE FPTR NEWS

“... useful information for clients and prospective clients.”

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Attorneys at Law

Fall, 2009  
Vol. VI, No. 2

## A Diversified Practice:

### The Benefits in Unexpected Legal Areas

**Y**ou have probably heard it a thousand times from your current stockbroker or one, who on a cold call, merely covets your business: “Are you diversified?” You should be asking the same question of your current or prospective law firm. More often than not, you have different legal needs and a diversified Firm offers you the ability to find most, if not all of these services, in one place. The ability to analyze your situation from a multi-state prospective is crucial for people who work and live in New Jersey and New York metro area. Here are just a few of the all too common legal areas in which Fischer Porter Thomas & Reinfeld, P.C. can assist you.

#### Drunk Driving Infractions

Needless to say, you should not drink and drive. If, however, you find yourself having been charged with a DWI (DUI in New York), you need a lawyer. If you are a New Jersey resident charged in New York or visa versa, it is especially important to hire a lawyer with knowledge of the law, defenses and ramifications of any conviction/plea in both States. There are essentially three separate sobriety tests that an arresting officer can perform on a person suspected of DWI: a field sobriety test (walking a straight line, reciting the alphabet, etc.); a portable breath test; and an actual chemical test, the most common of which is the Breathalyzer/Alcotest. The amount of the blood alcohol reading determines a violation of the law and whether you have a prior conviction for DWI determines the severity. In New York, DWI is a misdemeanor, which entitles you to a jury trial. Conviction for a first offense carries fines of up to \$1,000; up to one (1) year in jail; loss of license for at least  
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## New Jersey Courts Offer Foreclosure Relief

Given these tough economic times, we would be remiss if we did not discuss foreclosures and advise of some relief available. The New Jersey Judiciary recently enacted the Foreclosure Mediation Program, in which Borrowers and Lenders have an opportunity to voluntarily restructure a home loan under the guidance of a neutral and knowledgeable mediator in order to prevent foreclosure. The Program is available to any homeowner facing foreclosure on his or her principal residence. There are many options available to homeowners facing foreclosure in lieu of a sheriff’s sale. Specifically, one may be able to negotiate a reinstatement of the loan, a structured repayment plan, a reduction of interest rates and payments, the reduction or elimination of late fees, an extension of time to allow for a refinance of the loan, an extension of the loan period wherein the past due payments can be made up at the end of the mortgage, or a reduction of the principal amount due on the mortgage. We at FPT&R have been successful in negotiating repayment plans and restructuring loans as well as even having foreclosure actions dismissed due to the lenders’ failure to abide by the strict requirements of the New Jersey Fair Foreclosure Act.

– Julie G. Maxfield

six months; various insurance and DMV surcharges; and drunk driving course requirements. In New Jersey, DWI is a traffic infraction but also involves significant penalties, including fines, loss of driving privileges, course requirements and insurance and DMV surcharges. In New York, you may be eligible for a conditional license, which will allow you to drive to work or school. New Jersey has no such license. If you lose your license in New Jersey, *you may not drive under any circumstances even in the case of an emergency.* Both States have

reciprocity with each other so it is entirely possible for you to serve your entire suspension in one State only to have your license later suspended in your home State. Therein lies your need for an experienced attorney. For example, New York has a law, which allows a driver to plead guilty to driving while your ability is impaired (DWA). This law affords lesser penalties and a shorter suspension. For New Jersey drivers, the plea must be done correctly or the relatively modest New York penalty may subject them to full DWI penalties in New Jersey. Similarly, an experienced lawyer may be able to help a New York driver minimize his loss of driving privileges arising from a New Jersey conviction.

### Moving Violations

Moving violations in both New York and New Jersey can subject you to points, which may lead to suspension of one's driving privileges. For example, in New Jersey, if you accumulate 12-15 points in a period of 2 years or less, you will lose your license for 30 days. In New York, if you are convicted of 3 speeding violations within 18 months or accumulate 11 points or more within 18 months (based upon the date of violation not the date of conviction), your driving privileges will be suspended. While New York does not assess New York points for New Jersey (or other out-of-state) tickets, New Jersey assesses 2 points for out of state moving violations. Points should be avoided as many insurance companies increase automobile insurance premiums for having too many points. An experienced attorney can help minimize your points and may even be able to obtain a disposition involving no points at all.

### Expungement of Criminal/Arrest Records

Many people, who have made mistakes or committed youthful indiscretions (e.g. possession of small personal use amounts of marijuana, etc.), find themselves saddled with criminal records. In New York, a successful criminal defendant except, in limited circumstances, automatically has all of his or her records sealed and is entitled to the return or destruction of any fingerprints and mug shots. While possible, it is incredibly difficult to seal an actual criminal conviction. In New Jersey, however, generally all arrests not leading to convictions can be expunged (wiped off) one's record. Even certain convictions can be subsequently expunged if the appropriate criteria are met. In New Jersey, however, you must actually file a Court pleading to clear your record. You should consult an experienced attorney to see if you are entitled to an expungement and, if so, to obtain one for you in an expeditious manner.

### Conclusion

Although New York and New Jersey share a common border, the laws, rules and regulations are different. A Firm with a diversified practice in both States should be seriously considered by you for your legal needs. – *Joel J. Reinfeld*

For more information or to learn about our law firm's services and experience, see our website at [www.fpmtlaw.com](http://www.fpmtlaw.com) or call telephone number (201) 569-5959 and ask to speak with one of our partners:

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