

yourLAW

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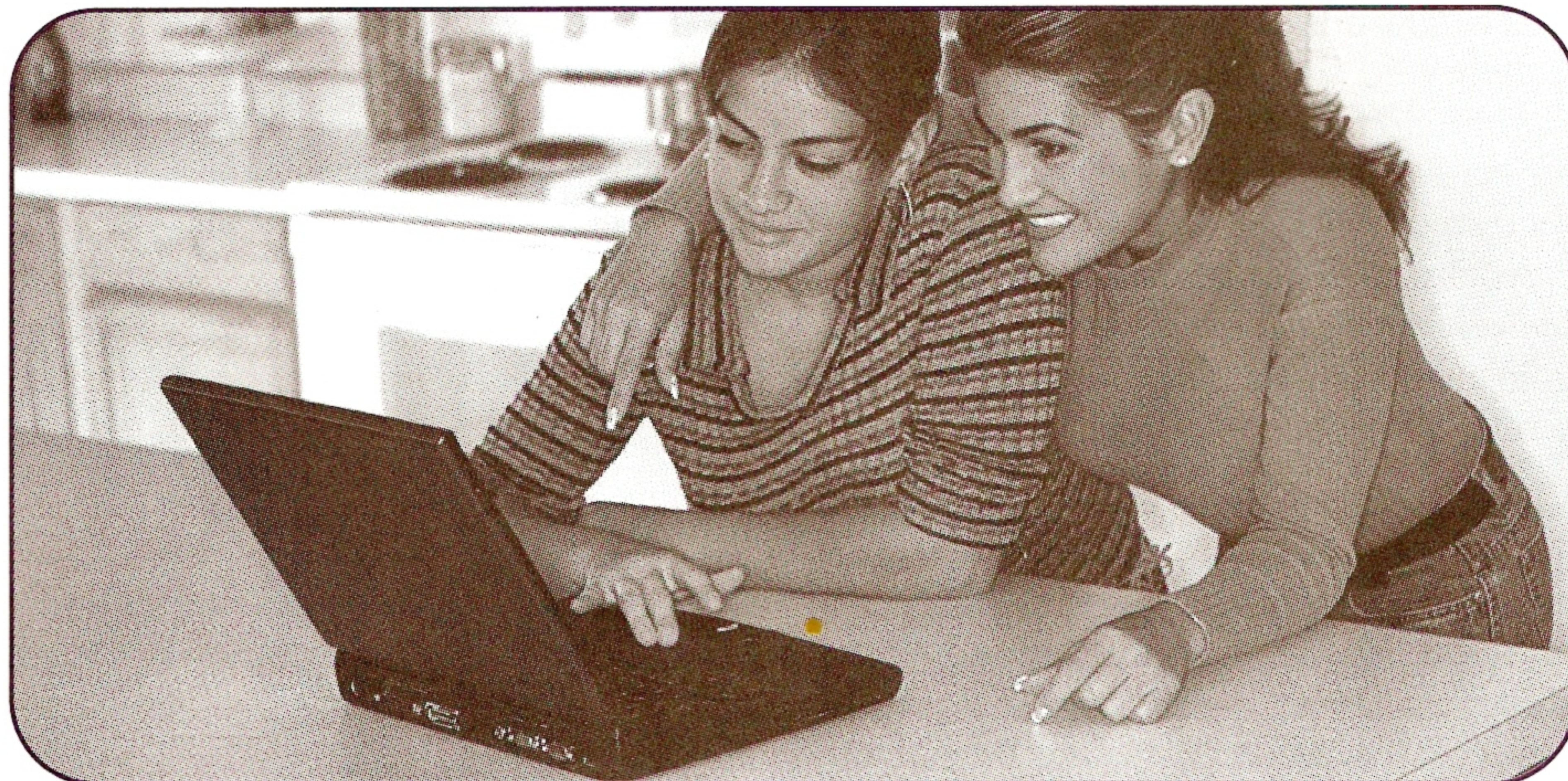
GEORGE A. SCOTT (1979)

Disaster Readiness: Be Prepared, Be Protected

After the events of 9/11, Hurricane Katrina, and the Southern California wildfires of 2007, federal, state, and local governments have spent a great deal of time and money on disaster preparation. However, in order to truly ensure that your family and loved ones are ready, you should take some steps yourself.

The first step to disaster readiness is to simply talk with your family and develop a plan. This plan should include a meeting place for all family members to congregate in the event of an emergency or evacuation. You may want to consider selecting two places, one close to your home and another out-of-state in case it is too dangerous to stay near home. You should also designate an out-of-state contact person who family members can check in with. During an emergency, it may be easier to call someone long distance than to try to reach local numbers. You should make sure that each family member has a copy of the plan, as well as contact names and phone numbers.

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Your Kids and Online Social Networks

If you are the parent of a tween or teen, chances are you are familiar with online social networks, whether it be MySpace, Facebook, or Friendster. These networks give kids an opportunity to express themselves creatively and to contact friends old and new. However, they also create security and safety concerns for parents and kids alike by making very personal information about your child available to virtually anyone with a computer, and even introducing children to individuals of questionable motives.

As a parent, you have the legal right to restrict your child's Internet access. This means that in the most serious case, you can completely eliminate your child's ability to go online. Although Congress can't do as much, it has tried to help. It has successfully made it a crime to send obscene, indecent, or offensive messages or images to anyone under 18. Congress has also denied federal funding to libraries and schools that fail to install blocking software that prevents kids from accessing certain Web sites. There is proposed federal legislation that also would require libraries and schools to block social networking sites. However, the government must walk a fine line in order to ensure that it doesn't violate the First



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Holiday Travel: Know the Rules and Know Your Rights

With the holidays fast approaching, you likely have a lot on your mind—travel arrangements, work schedules, parties, and gifts. If you plan on traveling, particularly on an airplane, you may want to take a moment to review the rules and regulations for air travel.

The first question many have when confronting airport security is “are searches legal? Can they do that?” The basic answer is yes. Although the Fourth Amendment to the U.S. Constitution says that the government must have a warrant to search you, airport searches are considered “special needs” exceptions to this rule. Courts across the country have ruled that airport searches are reasonable because they serve a purpose beyond simple law enforcement. Some courts have even gone so far as to hold that when you fly, you are implicitly consenting to being searched. In today’s post 9/11 world, you can assume that you are going to be searched in some manner and that you will have to follow restrictions on what you can bring on the plane.

Carry-On Restrictions

The limit on liquid carry-on items is the restriction that presently receives the most attention. A common complaint among travelers is that the limitations seem random and odd. However, according to the Transportation Security Administration (TSA), these restrictions are based on extensive explosives testing and ensure that no effective amount of a single explosive can make it onto a plane.

To help remember the amount of liquids you can carry on a plane, TSA urges passengers to focus on “3-1-1.” This means: no more than three ounces of any one liquid; all liquids placed in one quart-sized, clear, plastic, zip-top bag; and only one zip-bag per passenger. TSA requires this separate clear bag in order to reduce clutter and make the entire screening process more efficient. There are, of course, exceptions to this restriction, including: baby formula, juice for children, and any liquids required for a disability or medical condition. Remember, when in doubt, your best bet to avoid hassles and delays is to simply put liquids in your checked luggage.

Other rules have long been in place that prevent you from carrying potential weapons—such as knives, box cutters, and golf clubs. Nevertheless, TSA allows numerous surprising items in your carry-on that you might think would be prohibited, such as disposable razors, scissors (under four inches in length), cigar cutters, and corkscrews. Again, if you are unsure, your best choice is to just check questionable items.

Complete Restrictions

TSA has totally banned some items even from your checked bags. These items generally pose a fire risk, and include gun powder, flares, and fireworks.

If you have any questions or concerns regarding what you can and cannot carry on a plane or check in your bags, you should consult TSA’s Web site at www.tsa.gov. It is important to stay up to date, as these restrictions can change quickly and can easily impact your holiday travel.

Other Security Procedures

If you have traveled on a plane recently, you know that restrictions on carry-on and checked luggage are not the only security procedures currently in place. As has been the case for decades, every passenger must present their carry-on bags for x-ray examination

and must walk through a metal detector. Again, these procedures have been upheld by various courts as acceptable searches.

In addition, many airports also conduct “random searches.” These searches are usually in addition to the metal detectors and often involve an extra “pat-down” of the passenger and a hand-search of the carry-on bags, meaning that a TSA officer actually looks inside the bag. This is an area ripe for claims of discrimination, but so long as the searches are actually random (usually computer assigned) there is no constitutional violation.

Other security procedures include canine patrols and stronger cargo security. Also, many airports now conduct random searches of cars as they approach the facility. These searches usually consist of a visual investigation of the trunk, the interior of the vehicle, and its underside.

Different Abroad

It is important to note that TSA requirements are only applicable in the United States. If you are traveling abroad over the holidays, you will want to determine the restrictions and regulations in place where you are traveling. Most restrictions are similar; however there are some-

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times important differences. For example, for a period of time in 2006, passengers traveling out of the United Kingdom were not allowed to have any carry-on bags. The European Commission (ec.europa.eu) provides information on passenger rights and restrictions when flying in the European Union, and your air carrier can provide you with the specific requirements for your flight.

What You Can Do

There are many things you as a traveler can do to ensure that your travel experience is relatively hassle free.

Arrive Early: Give yourself plenty of time at the airport before your flight is to take off. Going through the security steps is a lot less stressful if you aren’t in a hurry.

Don’t Wrap Presents: Wait until you get to your destination to wrap any gifts. Wrapping paper may prevent security officials from being able to properly assess the contents of your bags and can increase delays.

Listen to Announcements: Airport and security officials will often make announcements about specific security requirements (such as removing your shoes). Pay attention to any announcements and follow directions.

Plan Ahead: Before you travel, make sure you know the exact restrictions for the airports

you will be using, for your airlines, and for the countries you will be in. Knowing exactly what will be required of you beforehand is the best way to ensure smooth travel.

Follow Up: If you feel your rights have been violated, that you have been discriminated against, or that the airlines failed to provide adequate customer service, make sure to follow up and voice your concerns. TSA and the Department of Homeland Security (www.dhs.gov) are very sensitive to charges of discrimination during the screening process. Both agencies have complaint-filing instructions on their Web sites. If you have a problem with a specific airline, a call or e-mail to their customer service department never hurts—and may result in some extra frequent flyer points for you!

What to Do if Detained?

Usually airport security is merely a hassle and slight delay. However, occasionally it can quickly dissolve into a serious legal situation. During your travels, if you are delayed by airport or immigration officials, the first step is not to panic, but also to realize that this is not a time for jokes or belligerence.

If you have been detained by security officials, it may be easiest and quickest for you to simply follow their directions. The reason for your detention could be as innocent as a random additional search following predetermined procedures. The news is filled with stories about situations that quickly escalate because a detained passenger becomes angry or abrasive. If you are polite and follow directions, there is a good chance that you will quickly be on your way and still make your flight.

If you truly are “detained,” meaning you don’t feel you have the right to leave freely, realize that you are considered “in custody” for constitutional purposes. This means you have the right to remain silent and to talk to a lawyer. Ask polite questions to determine why you are being detained and attempt to get the names and badge numbers of any officials questioning you. Immediately report the detention to the airline and attempt to continue with your travel plans if possible. If for any reasons you think your rights were violated, do not hesitate to contact TSA, the Department of Homeland Security, or your attorney. **AL**

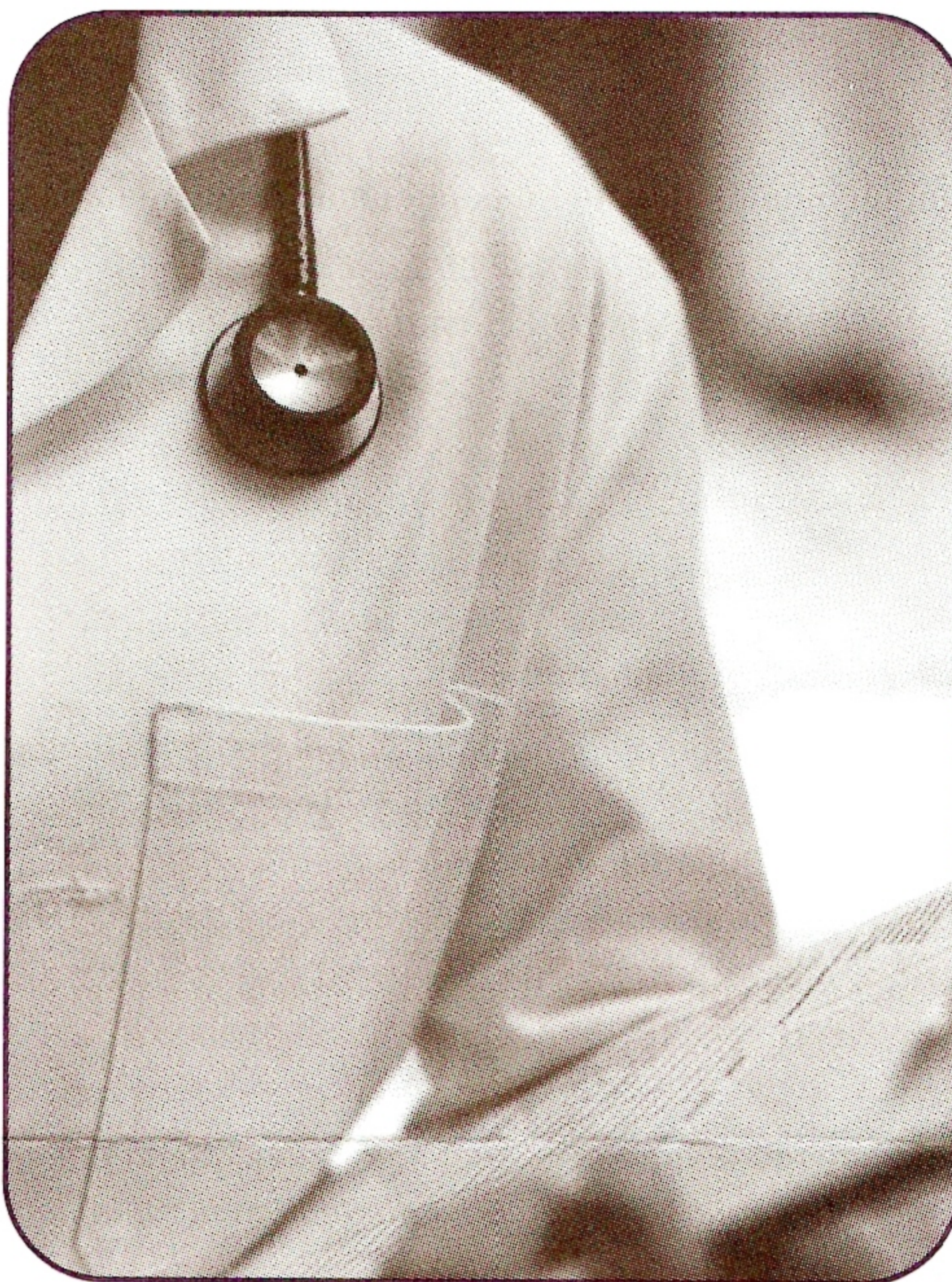
Important retirement considerations include forecasting your income and assets, understanding your employee benefits and pension plan, and keeping up to date with your estate planning.

Thinking About Retirement? Time for a Legal Checkup!

Just as your health can benefit from regular medical checkups, periodic legal checkups help you avoid legal problems. These checkups allow you and your attorney to evaluate your current situation, examine options and risks, and explore any needed corrective steps.

Although checkups are important throughout your life, they are of particular value before a major life change, such as retirement or what’s being called semi-retirement. If you are thinking about retiring soon, this is probably a perfect time to meet with your attorney to ensure that you are legally ready for this next step.

There are many important legal considerations when you are preparing to retire or make a major career change. You will need to determine what your current expenses are, the type of lifestyle you



want during retirement, and how long you expect to live. This will give you an estimate of the financial resources needed to support your retirement. Next, you will want to check your eligibility for government benefits. In many circumstances, certain age and employment requirements must be met in order to be eligible. For example, your Social Security benefits will be different if you retire at 62, 67, or 70. You should know that the “full” retirement age is gradually increasing from 65 to 67 for those born after 1960. To get a sense of your Social Security benefits, you can visit www.ssa.gov and order a copy of your Social Security statement. Other government benefits such as Medicare have additional requirements.

Other important retirement considerations include forecasting your income and assets, understanding your employee benefits and pension plan, and keeping up to date with your estate planning. If you plan to travel for a significant period of time, you will want to work with your attorney to determine the necessary travel documentation to ensure that your assets back home are protected and supervised. **AL**

GOING INTO YOUR RETIREMENT LEGAL CHECKUP, IT MAY BE HELPFUL TO BRING

- any financial and benefit information from your employer,
- your most recent Social Security statement,
- a list of your current expenses,
- a list of your various investments, including 401(k)s, IRAs, stocks, and real estate,
- any estate planning documents you have, and
- a list of the activities you would like to do during your retirement.

Working with your attorney to develop a solid plan can save you headaches down the road and ensure that you can enjoy your retirement years.

A note from the Editor: This is the first in a series of articles YourLaw will be running preparing you for retirement. Be sure to look for upcoming discussions on retiring out of the country, buying a second home, protecting your pension and assets, and legal protections for those starting a new career later in life.

When putting together your kit, focus first on the basics: fresh water, food, clean air, warmth.

You should also prepare emergency kits in order to ensure that if something were to happen, your family has essential necessities. When putting together your kit, focus first on the basics: fresh water, food, clean air, warmth.

THE FOLLOWING CHECKLIST CAN HELP WHEN PACKING AN EMERGENCY KIT:

- water—you should have one gallon of water, per person, per day, for at least three days
- food—consider stocking three days, worth of non-perishable food
- flashlights
- extra batteries
- first aid kit
- a whistle—to signal for help
- dust masks
- moist towelettes, garbage bags, and plastic ties—can be used for personal sanitation
- basic tools including a hammer, a wrench, and pliers
- a can opener
- local maps

YOU MAY ALSO WANT TO CONSIDER INCLUDING:

- prescription medication
- food and water for your pets
- important documents, such as wills, deeds, and insurance forms
- money
- sleeping bags and blankets
- a change of clothes
- books, games, activities for children

Remember—during an emergency, ATMs and computers may not work. You will want to make sure you have copies of important family documents and extra money. When putting together an emergency kit, consider including copies of insurance policies, identification, and bank account statements. You should also pack some cash, travelers' checks, and change. All paper should be kept in a waterproof, portable container.

If you are one of the millions of American pet owners, chances are you have worried about what would happen to your furry friend during an emergency. While planning for your family's emergency care, take a minute to consider your pet. Remember, typically what is best for you is what is best for your pet. In other words, if you think you will need to evacuate, consider ahead of time how your pet will evacuate. You should maintain copies of all your pet's identification documents, recent vet records, and a recent photo of you and your pet together. When creating your emergency plan, remember that public shelters don't always accept animals. You may want to consider developing a buddy system with a neighbor or friend. This would ensure that in case you are unable to return home, someone

else would know to check in on your pets and make sure they are safe.

Once you have planned and prepared, make sure you stay informed and aware of possible threats and dangers. This can be as simple as checking the local news and weather daily. The federal government has created resources to help you prepare and stay informed, including www.ready.gov and 1-800-BE-READY. These resources also provide local information regarding both preparation and possible threats. By being aware and prepared, you can serve as the first, and most important, resource for your family during a disaster. *u*

DISASTER RELIEF LEGAL ASSISTANCE

After a disaster, the American Bar Association's Web site can help you find out about the disaster-relief legal assistance in your area. For example, before the October 2007 Southern California wildfires had even been extinguished, the ABA Web site at www.abanet.org/disaster was providing continually updated information and resources for fire victims.

This Web site helps fire victims understand their insurance coverage issues by offering, among other things, downloadable handbooks and a concise checklist of step-by-step "to do" items. It also provides addresses (and maps) showing the locations of California's first disaster aid stations plus information on the ABA Young Lawyers Division Disaster Legal Services. Links to both federal and state sites bring more information.

And because it is frequently updated, the ABA site is worth checking out on a regular basis. In the wake of a disaster such as Hurricane Katrina or the California wildfires, new information continues to come online as governments, local bar associations, law firms, and pro bono groups marshal their legal resources to assist victims.

Amendment guarantee of free speech. The Supreme Court has said that cyberspace is different than other media and therefore can't be regulated to the same degree as television or radio.

Therefore, as a parent, much of the policing and safety responsibilities, regarding both social networks and the Internet as a whole, fall directly on you. Don't panic. Although you may feel like your child knows more about computers than you do, developing a safety plan may be easier than you think. The first step is to talk to your children about your concerns and about what kids can do to protect themselves. This includes thinking about how accessible they want to make information (many sites allow users to restrict who can see their information) and to never post their full names, contact information, or other identifying information. Remind your child that once information is online, they can't get it back, even if they delete it.

Once your child creates a profile, you may want to ask to see it. It's a good idea to give children a day's notice so that they can remove any information they would prefer to keep private from you and to eliminate the "gotcha" factor. Then spend some time with your child, having him or her explain the profile to you. You may end up learning a great deal about your child that you didn't previously know.

Going forward, you should monitor your child's Internet use, and of course, keep the computer in a spot where you can look in. However, realize that your child doesn't have to be at home in order to access the Internet. Libraries, Internet cafés, and friends' houses all offer opportunities for your child to access the Internet without your knowledge. Thus, it is important to talk to your child frequently about Internet safety. Both the Federal Trade Commission (www.ftc.gov) and WiredSafety (www.wiredsafety.org) provide helpful tips for parents about social network safety.

Be on the lookout for signs that may indicate something is wrong. This includes your child spending a lot of time online, especially at night; any pornographic or questionable photos on your computer; or your child turning off the computer or quickly changing Web sites when you walk into the room. If you are concerned that something is going on, talk to your Internet Service Provider about parental permissions that give you access to your child's profile and e-mail. If you discover that your child has actually been targeted by an online predator, act immediately. First, shut off the computer in order to save any evidence. Contact your local police, the FBI, and the National Center for Missing and Exploited Children (www.missingkids.com). By talking to your child about online safety and being aware of what your child is doing online, you can minimize the risks associated with online social networks and maybe get to know your child a bit better. *u*