

# Benenati Law Firm

A Professional Corporation

MARCH 2016

## Court Can Be A Risky Business

**Last year a judge in** Washington, D.C. granted a restraining order prohibiting a man from smoking in his own home. His family has owned the house for 50 years. The new neighbors sought the restraining order because they were concerned about the second hand smoke entering their home through a common wall. Thus, your home is not necessarily your castle and until this case is finished, the homeowner has to smoke outside.

Moral of the story: There is a risk in going to court, because you never know how a judge or jury will rule.

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## Make Your Wishes Known

**I cannot stress enough the** importance of preparing the proper letters and documents to help your family take care of you and to provide safeguards from legal issues caused by Alzheimer's, dementia or other major illnesses and accidents.

Letters of desire, in your own handwriting, should provide guidance regarding your care, what treatments you do or do not want, or what type of service you want at death.

These letters are not legally binding, but can help people make decisions and avoid conflicts. However, do not use them in place of formal legal documents, but rather use them to supplement those legal documents.

Your legal documents should include powers of attorney, one for financial and one for health care. Another important document is a Directive to Physicians, which will state your desire to not be kept alive by artificial means. The reason for these documents is to avoid a court appointed guardianship, which can be expensive and create turmoil.

As always, please call if you have questions.

Pete

*Disclaimer: The information contained in this newsletter is not intended as legal advice but for informational use only.*

## Mission Statement

*We believe that integrity is the foundation for all that we do in serving our clients and our community.*

*We are dedicated, first, to serving our clients through proactive communication, keeping pace with current issues, and anticipating client needs.*

*We focus on providing the highest quality legal services in a timely manner at a fair and appropriate price.*

## Employer Liability

**In a recent Texas case,** a jury found an employer 60% liable for the accident caused by a drunk driver who was their employee. You may be thinking, of course, if the employee got drunk at a company party or other company event, the employer should be liable.

However, the situation did not involve a company function. Instead, the employee was drunk when she showed up to work and the employer said she could not work under the influence. The employee got in her car and drove home and her employer did nothing to try and stop her. She was in an accident on the way home and caused severe injuries to the people in the other vehicle.

The theory of the liability imposed on the employer: it was not the first time the employee showed up to work under the influence and the employer, knowing she was drunk, had a duty to protect other people from this employee driving under the influence.

This case raises many questions about how far someone must go to prevent another person from driving drunk. What should the employer have done? Restrain her or attempt to take her keys? Could the employer then be sued for unlawful restraint or assault, if force is used to take the keys? Perhaps, the employer should have called the police. It is hard to know the best course of action, but this case should make you consider every possibility if ever faced with these issues.

## New Address for Benenati Law Firm Dallas Offices

Effective 3/1/16

15455 Dallas Parkway, Ste 600 @ Arapaho Rd.

Millennium Building, Addison, TX 75001

972-764-5126

**Pete Benenati, LL.M.**  
 Attorney Licensed in Texas,  
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 Board Certified in Estate  
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Meetings available in Bedford, Boyd  
 and Dallas for your convenience.

**For other articles,  
 forms and information,  
 access our website at  
[www.benenatilaw.com](http://www.benenatilaw.com)**

**“When I hear  
 somebody sigh,  
 ‘Life is hard,’  
 I am always  
 tempted to ask,  
 ‘Compared to what?’”  
 -Sydney Harris**

## Our Areas of Practice

The **Benenati Law Firm** is dedicated to anticipating and meeting the diversified needs of our clients. We are pleased to offer our individual, business and corporate clients a complete range of legal services.

### Our practice areas include, but are not limited to:

- Estate Planning and Probate
- Tax Planning and Asset Protection Planning
- Business Planning and Formation
- Mergers and Acquisitions
- Pre-Marital and Post-Marital Planning
- Intellectual Property/Trademark
- Labor and Employment Law
- Real Estate and Business Transactions
- Charitable Planning



## Chia Pudding

2/3 cup Coconut Milk (unsweetened)  
 1/4 cup Chia Seeds  
 Flavorings and Fruits of your choice

Start with 1/3 cup of Coconut Milk in a bowl. Add fruit and flavorings. Blueberries are really good. You can add flavorings such as cinnamon, vanilla, honey, agave, vanilla, cocoa powder, etc. Mix well. Add Chia seeds and mix again. Add remainder of milk and mix. Refrigerate at least 2 hours. Overnight is great and it's ready for breakfast the next morning.

## Privacy Notice from Benenati Law Firm, P. C.

Attorneys, like all providers of personal legal services, are now required by law to inform their clients of their policies regarding privacy of client information. Attorneys have been and continue to be bound by professional standards of confidentiality that are even more stringent than those required by law. Therefore, we have always protected your right to privacy.

### Types of Nonpublic Personal Information We Collect

We collect nonpublic personal information about you that is provided to us by you or obtained by us with your authorization.

### Parties to Whom We Disclose Information

For current and former clients, we do not disclose any nonpublic personal information obtained in the course of our practice, except as required or permitted by law. Permitted disclosures include, for instance, providing information to our employees, and in limited situations, to unrelated third parties who need to know that information to assist in providing services to you. In all such situations, we stress the confidential nature of information being shared.

### Protecting the Confidentiality and Security of Current and Former Clients' Information

We retain records relating to professional services that we provide so that we are better able to assist you with your professional needs and, in some cases, to comply with professional guidelines. In order to guard your nonpublic personal information, we maintain physical, electronic, and procedural safeguards that comply with our professional standards.

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 Please call us at (817) 267-4529 if you have questions, because your privacy, our professional ethics, and the ability to provide you with quality legal services are very important to us.

Our firm occasionally engages other professionals on a contract basis to assist in the timely completion of projects. Accordingly, it is possible that such personnel would be involved in your service.