

## DIVORCE

When issues of Divorce arise, it is always wise to consult the advice of Professionals such as an attorney, Priest, Rabbi or mediator. By taking this action, you ensure that you do not waive your rights to assets you may be entitled to. Many people are unaware that once you are married your spouse is entitled to share in all of your assets regardless of whose name the asset is in. In addition, you may be entitled to financial assistance from your spouse, depending on your employment status and your income. Finally, debt incurred during the marriage in one party's name may be considered marital debt that your spouse will be required to pay half of.

## CUSTODY/VISITATION

As a parent you are entitled to custody and visitation. If you do not have a custody/visitation order, you should obtain one immediately. Never hesitate when it comes to asserting or enforcing your rights.

### *Myths of Family Law*

1. A father will never win custody.
2. You can never have a joint custody arrangement.
3. The Court always favors the woman.

At Mallilo and Grossman, we have dispelled these myths. Remember when choosing an attorney choose the law firm that cares about its clients.

## RECENT VERDICTS

**2 MILLION DOLLAR** settlement for a man who loses use of non-dominant arm. A Bronx County resident was riding his motorcycle and was struck by an automobile. As a result of this accident he was required to seek medical treatment for his injuries and was left with the loss of his non-dominant hand.

**\$200,000** settlement for a woman who fractured her leg. A Suffolk County female allegedly fell in a dilapidated parking lot and fractured her leg requiring two surgeries.

## CHILD SUPPORT

Generally, in the State of New York, parents are responsible for paying a percentage of their income for child support. This percentage is based upon the number of children you have: 17% for one child; 25% for two children; and 29% for three children. In addition to child support, the parties are responsible for a portion of childcare and unreimbursed medical expenses. Always remember that the party with physical custody must be the one who files for child support. This support is not automatic and the portion contributed is determined by the parents' respective incomes. If you are not married, and you are asked to pay child support, immediately request a DNA test to ensure the paternity of the child. If you pay child support without taking a test, you will be stopped from claiming that you are not the father and you will be required to pay child support until the child reaches the age of twenty one.

## ABUSE

All individuals have a right to be safe and free from abuse. If you feel that you are being verbally, mentally, or physically abused, you should call New York State Domestic Violence Hotline at **1-800-942-6906**. Someone is available at that number 24 hours a day and will be more than happy to assist you. However, if the abuse is at a stage where you fear for your life, go to Family Court immediately and obtain an Order of Protection. This may cause your spouse to be removed from the home. If you are in immediate physical danger call **911** for police assistance.

**\$175,000** settlement for a woman who injured her shoulder as a result of being hit by a motor vehicle. A Queens County woman was struck by an automobile requiring shoulder surgery.

**\$200,000** settlement for a woman with a herniated disc. A Queens County woman was hit by a motor vehicle causing her to suffer a back injury, which required a series of epidural injections. As a result of her disability she was disabled from work.



# LAW OFFICES OF MALLILO & GROSSMAN

Visit us at [www.malliloandgrossman.com](http://www.malliloandgrossman.com)

Volume 3

163-09 Northern Boulevard • Flushing, New York 11358 • 718-461-6633



*Holiday Greetings to all of our clients. We hope this holiday season brings you warmth, health, happiness and prosperity throughout the year.*

*We at Mallilo & Grossman extend our best for a great 2006!*



## 10 WAYS TO IMPROVE YOUR CREDIT SCORE

Each day people come to our office, seeking representation in the purchase of a new home or business. When this process starts, the first requirements from any prospective lender is the release of our clients credit report. Most times clients have not seen their credit report before and if they have, they were unable to understand it. When applying for credit, the information contained on your credit report directly impacts your credit score. Having poor credit will keep you from obtaining credit or will place you in a high-risk category, which requires higher interest rates if you are approved.

For example, if you apply for a \$250,000, 30 year fixed rate mortgage and your credit score is between 760 and 800 (which is excellent) you could qualify for a rate of 5.90-6.00 percent. This could make your monthly payment approximately \$1482.84. Someone with a credit score of between 660-679 would get an interest rate of approximately 6.51 and would pay \$1581.81. If your credit score were 620-639 you would pay \$3161.76 for the same loan.

If you currently have an above average credit score it is very important to maintain it. Far to many people do stupid things like making late mortgage payments and skipping credit card payments, causing a negative impact on their credit score. Just one late payment, which gets reported on your credit report, would cause you to be rejected or be offered a significantly high rate for credit.

If your credit score is already below average it is important to immediately begin rebuilding your credit. Lets focus on 10 strategies, which will lead to a boost in your credit score. Unfortunately completing one or two of these strategies will not result in a dramatic change in your credit report.

### 1. Pay Your Bills Ontime

Late payments are the most common piece of negative information which appears on your credit report. Once a collection agency becomes involved, your credit will be ruined for 7 years, regardless if you make the payments due. Most lenders will work with you as long as you are paying something and will almost always keep your accounts from a collection agency.

### 2. Keep Your Credit Card Balances Low

Credit card balances impact your credit score. Having a balance of 35% or more of your overall available credit limit on your credit cards will hurt you even though you make your payments on time and consistently pay more than the minimum. The answer is to obtain four or five cards and spread your debt over each of them so that less than 35% of your available credit is utilized.

### 3. Having a Good History Counts, So Don't Close Unused Accounts

One of the factors considered when calculating your credit score is the length of time you had the credit card. You are rewarded for having a long time positive history with each creditor. If you have several cards you do not use, put them in a drawer and forget about them.

### 4. Only Apply for Credit When it is Needed

Applying for credit for big-ticket items or appliances from a store's credit card may not be the best idea. When several credit cards are applied for in a short time, a reduction of your credit score will occur. Unless you can save a significant amount of money on your purchase over time and can accept a reduction in your credit score, don't apply for credit you do not need.

### 5. Separate Your Accounts After a Divorce

Although you obtain a legal divorce, it does not release one or

both people from their obligations, when it comes to paying off a joint account. By separating your accounts, your credit report will accurately reflect your present credit status.

### 6. Correct Inaccuracies in Your Credit Reports and Make Sure Old Information is Removed

One of the fastest and easiest ways to give your credit score a boost is to carefully review everything contained on your credit report. If you spot incorrect information you must immediately initiate a dispute and if your successful it will be corrected and removed within 10-30 days.

### 7. Avoid Excess Inquiries

Every time you apply for a credit card an inquiry is made on your credit report. This information will typically stay on your report for 2 years. If you have multiple inquiries in a short period of time this can dramatically reduce your credit score.

### 8. Avoid Bankruptcy

If you file bankruptcy an immediate negative will be placed on your credit report. If you do file bankruptcy, the best thing you can do is slowly rebuild your credit by paying your bills on time.

### 9. Avoid Consolidating Balances Onto One Credit Card

By maxing out your credit you will detract from your credit score even if you make on time payments. You are better off spreading the balance over several credit cards.

### 10. Negotiate with Your Creditors

Contrary to popular belief your creditors aren't your enemy. Depending on your financial difficulties, your creditors may be willing to negotiate with you instead of ruining your credit.

*If you have any other questions, which weren't answered please call Jack Grossman*

## DOGS

*Dogs have always been a part of the American family. They can give us security, companionship and unconditional love. But when an untrained dog rages out of control, it can threaten the security of you and your family.*

### According to the Humane Society of the United States:

- **Almost 5 million people are bitten each year in the United States**
- **Approximately 18 people die annually from dog attacks**
- **Most dog bite victims are children**
- **Every dog has the capability to bite**

Untrained, unsocialized dogs that haven't been neutered or spayed can be dangerous to people. Dog owners need to be aware of their responsibilities for training, socializing, and controlling their dogs.

With the popularity of different dog breeds changing so frequently among dog owners, it is sometimes difficult to determine which dogs have a higher likelihood of biting or attacking people. Actually, even though in recent years certain dog breeds such as Rottweillers and Doberman Pinschers have been labeled as aggressive and dangerous, people of all ages are at risk for dog bites and dog attacks by ANY type of dog. Sections 121 of the New York's Agriculture and Markets Law spells out our state's dangerous dog law.

New York has a limited strict liability statute that makes the owner or custodian of a dangerous dog strictly liable for medical or veterinary bills resulting from any type of injuries inflicted upon a person or animal. Beyond the medical bills, NY is a "one-bite" state. This means if a litigant can prove that a dog has had a history of biting, or a propensity for being vicious, and that the owner knew or should have known about that, the owner could be held strictly liable for a victim's injuries caused by the bite.

In order for the owner of a dog to be liable to an injured person, the burden of proof is on the plaintiff to establish that the dog was vicious or had a natural inclination or tendency to be dangerous and that the owner had knowledge thereof.

In determining the knowledge of the owner, you may consider evidence of the manner in which the owner maintained the dog, his knowledge of prior acts and conduct of the dog and any previous warnings issued to others by the owner.

### Things to do if you have been injured by a dog:

- **Seek medical attention immediately**
- **Get the name and contact information of the dog owner**
- **Get the name and contact information of any witnesses**
- **Report your injury to the police**
- **Request a copy of the report**
- **Take photographs of the dog and location where the injury happened**
- **Take photographs of your injuries**
- **Do not sign anything from the dog owner, insurance company or anyone else involved in the attack**
- **Save any clothing damaged by the dog**

In the State of New York the statute of limitations regarding dog bites is three years. It is important to attain legal representation as soon as possible after the dog attack. The attorneys here at Mallilo & Grossman are familiar with New York dog bite law and how to successfully represent and advise our dog bite victim clients.

**DIRECTORY** - In order to expedite your calls and minimize your wait and transfers, we are providing you with this handy directory. Please keep it for future reference:

Jean Brumgnach	Ext. 142	(Hi/Low Arb, UM Arb, Mediations)
Annmarie Losito	Ext. 129	(Calendar & EBT)
Mimi Andino	Ext. 150	(Homecare/Lost Wages/Property Damage/Transcripts)
Russ Gordon	Ext. 121	(Medical Reports)
Barbara Johnson	Ext. 124	(Paralegal)
Brett Solomon	Ext. 155	(Paralegal)
Alfie Gonzalez	Ext. 163	(Releases)
Jill Ibarra	Ext. 136	(IME's)

Again, here at the  
Law Offices of Mallilo & Grossman,  
we wish you the best this holiday season.  
Please keep us in mind for all  
your legal needs.  
Sincerely,  
Anthony Mallilo  
& Jack Grossman

## TRIP & FALL ACCIDENTS

Trip and fall accidents occur when a person trips or slips and falls, due to dangerous conditions on property, and can result in a serious injury. There are many different forms of dangerous conditions, which include defective, broken, uneven, cracked sidewalks, unsafe or broken flooring, unsafe staircases or steps, debris on floors or steps, snow and ice, and faulty elevators.

The owner or possessor of property has a duty to use reasonable care to keep the property in a reasonably safe condition for the protection of all persons whose presence is reasonably foreseeable.

In order to recover money for an injury sustained as a result of a trip and fall accident, an injured party must prove that the premises were not reasonably safe, that the owner knew the premises were not safe, and that the owner's negligence in allowing the unsafe condition to exist was a substantial factor in causing the injury.

If the owner did not create the condition, then it must be shown that an owner knew or should have known that the premises were not safe. In order to hold the owner liable, an injured party must prove "notice". Notice can be either actual or constructive.

Actual notice exists when it can be proven that the owner knew of the unsafe condition long enough before the accident, and that the owner had a reasonable time in which to correct the defect, or give adequate warning of the defect.

Constructive notice exists when the owner did not know of the dangerous condition, but should have used reasonable care in discovering the defect and correcting it.

Plaintiffs will frequently encounter a problem in establishing actual or constructive notice in many trip and fall cases, especially cases involving debris, food, slippery substances or snow and ice.

If you are injured in a trip and fall accident, you should immediately report the accident and injury to the property owner or property manager. In addition, you should obtain the names and addresses of any witnesses, and take photographs of the condition that caused the fall. Early investigation is vital to all cases.

Remember, New York State Law requires an injured party to accurately identify where and what caused them to fall.

## CRIMINAL LAW

As the Holiday season is upon us, it is time to rejoice and celebrate. But beware! If you celebrate **Don't Drive!** This is the time of year when high traffic areas are selected for random road checks.

If the Police stop you, do not treat them as your enemy, be courteous and respectful and expect the same in response. Remember, the Police will use their observations, and anything else you do against you. Do not try to talk your way out of a situation. Once they have decided that you were drinking, their report will most likely say the following:

"I saw the Motorist driving in an erratic manner and asked for a license and registration. At that time I observed blood shot eyes and a strong odor of alcohol as well as slurred speech. I asked where the Motorist was coming from and I was told he was coming from a party where he had a few beers. I then conducted a Field Sobriety Test".

Only give pedigree information to the Police (name and address). Do not say how much you have drank, and tell them you want to talk to Mallilo and Grossman before giving any other information. If at the scene you are asked to take a breath alcohol test, and you refuse, the refusal, as well as your present state of intoxication will be videotaped. You will also automatically lose your driver's license because of your refusal, and your refusal will support a charge of DWI. However, if you consent to the test, your attorney can contest the results, as these tests are very susceptible to attack. In addition if you refuse the test many prosecutors will refuse to plea bargain, force you to go to trial and face stiffer penalties, if convicted.

*IF THINGS GO WRONG*  
**CALL MALLILO AND GROSSMAN**