

The Need for a Living Will and Healthcare Proxy

By: Robert F. Muñoz, Esq.

The recent focus on the circumstances of Terri Schiavo and her family on the issues of her right to life or right to die have underscored the need for Living Wills and Healthcare Directives. In fact, some have theorized that this is the biggest lesson of the Schiavo case. Everyone over the age of 18 needs to control their destiny by documents establishing their written preferences regarding medical treatment in the event they are unable to make decisions for themselves.

The Living Will and Healthcare Directive are the necessary documents to designate someone to have legal authority to make decisions concerning medical or healthcare treatment for an individual. A Living Will is a statement of your preferences about medical care in the event of terminal illness. It describes the extent of efforts that you want made providing care where death may be imminent or you may be simply kept alive in a vegetative state. The Healthcare Directive can specify as to what medical treatment the agent may approve or refuse, or it can be very general relying on the agent's discretion. The Directive is revocable and amendable at any time. The Living Will and Healthcare Directive will also authorize your agent to review medical records, consult with your caregivers and sign any forms that may be needed to assure your care according to your preferences.

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Living Will and Health Care Proxy Seminar

Presented by: Robert F. Muñoz, Esq. At our office, 100 Willowbrook Road, Freehold
May 18th at 6:30 p.m.
Call Jen at 732-462-7170 X 157 to make your reservation.

FIRM NEWS



M. Comer has been designated by the Supreme Court of New Jersey as a Certified Civil Trial Attorney. This designation is granted to attorneys who demonstrate sufficient levels of experience, education, knowledge, and skill in civil trial practice. The Supreme Court, through its Board on Attorney Certification, designates only those lawyers who are able to meet the standards set by the Board and approved by the Court.

■ We are delighted to announce that for the 5th year we will co-sponsor the American Cancer Society's Relay for Life. Last year, over 75 teams came out to support the Freehold Relay and raised over \$222,000.00! This year we are confident that, with your help, we can surpass that number. Relay For Life provides the opportunity for our communities to come together to honor cancer survivors, remember those lost to cancer, support our cancer patients, educate participants and fund the American Cancer Society's life-saving research projects. The Relay will begin at 3:00 p.m on June 18th and end at 8:00 a.m. June 19th. If you would like to join the LDEM team or have any questions about the Relay, please contact Donna at 732-462-7170 at extension 108.

■ We are pleased to announce that **Thomas**

**Lomurro, Davison, Eastman and Muñoz, P.A. is "A.V." rated by Martindale-Hubbell, which is its highest rating. Martindale-Hubbell is the facilitator of a peer review process that rates lawyers on legal ability and general ethical standards. Ratings reflect the confidential opinions of the Bar and the Judiciary.*

The Newest Members Of Our Firm:



Stephen C. Carton

is a 1960 graduate of Villanova University and a 1963 graduate of Fordham University School of Law. He was admitted to the New Jersey Bar in 1963; the United States District Court for the District of New Jersey in 1966; the United States Supreme Court in 1970; and the

U.S. Tax Court in 1966. Mr. Carton was previously a partner at Carton, Arvanitis, McGreevy, Argeris, Zager & Aikins, LLC. He is a former member and Chairman of the Supreme Court District Fee Arbitration Committee (District IX -Monmouth County). Mr. Carton is a member of the Monmouth Bar Association: Family Law, Resolution and Memorials Committees; Unauthorized Practice Law Committee; past Chairman and current member of the Family Law Committee; charter member of the Matrimonial Early Settlement Panel; and Chairman of the Professionalism Committee. Mr. Carton is also a member of the New Jersey State and American Bar Associations and the Monmouth County Municipal Prosecutor's Association. He is a member and past President of the Rotary Club of Asbury Park, a member of the Knights of Columbus, Long Branch Council 335 and is a member of and sits on the Board of Trustees of the Belmar Fishing Club.

Mr. Carton's practice areas are Family Law, Real Estate, Estate Planning and Business Law.

"We are very pleased to have Steve and Bob, two distinguished and respected attorneys, join our firm of twenty-seven attorneys and enhance our ability to provide our clients Excellence in the Practice of Law..."

Donald Lomurro, Managing Partner



Robert S. Bonney, Jr.

is a 1971 *cum laude* graduate of Roanoke College and a 1975 graduate of Washington & Lee University Law School, where he was captain of the National Moot Court Team. He served as law clerk to the Honorable Clarkson S. Fisher, U.S.D.J. Mr. Bonney was admitted

to the New Jersey Bar and the U.S. District Court, District of New Jersey in 1975; to the New York Bar and the U.S. District Appeals Court, Southern and Eastern Districts of New York in 1984; and to the U.S. Court of Appeals, Third Circuit and the U.S. Tax Court in 1991. Mr. Bonney was a Deputy Public Defender for the New Jersey Office of the Public Advocate in 1977 and an Assistant U.S. Attorney for the District of New Jersey from 1977-1981. He has been designated by the Supreme Court of New Jersey as a Certified Criminal Trial Attorney. Mr. Bonney has been a guest lecturer at Rutgers University School of Law-Camden on Forfeiture Law and on Health Care Fraud. He has also lectured for the New Jersey Institute for Continuing Legal Education (ICLE) on Health Care Fraud, Forfeiture Law, and Criminal Law and Procedure. He is a member of the Criminal Advisory Board for the U.S. District Court for the District of New Jersey; New Jersey State Bar Association: Criminal Law Section, Chairman (Trustee 1986-1990) and is presently a Trustee and President-elect of the Association of Criminal Defense Lawyers - New Jersey.

Mr. Bonney's practice areas are Criminal Defense, Corporate Criminal Law, Health Care and Tax Fraud, Personal Injury, Business Dissolutions and Corporate Investigations.

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The National Academy of Elder Law Attorneys (“NAELA”) lists nine (9) items that a consumer should consider in speaking with an Elder Law attorney about a Living Will and Healthcare Proxy. The NAELA recommends that you consider and discuss the following issues:

- 1) What are your desires with regard to artificial nutrition and hydration?
- 2) Who will serve as your agent for healthcare? Who will serve as the alternate healthcare agent?
- 3) Do you wish to limit transfusions to blood provided by family members and/or friends?
- 4) Do you wish to state your preference between home care and nursing home care, or will you allow your agent for healthcare to make the placement decisions?
- 5) Are there certain medical treatments and/or pain control measures that you would like to be sure to have and others you would like to refuse?
- 6) Do you wish to refuse treatment if the treatment means greater dependency upon others?
- 7) Do you wish to refuse treatment if the treatment means having to suffer chronic pain?
- 8) Do you wish to take pain medication that will reduce or eliminate the ability to communicate?
- 9) Do you have any particular wishes regarding specific healthcare facilities, religious preferences, disposition of your body, organ donation or donation of your body to research?

The answers to these questions can be incorporated in the Living Will and Healthcare Directive. The type of Living Will and Healthcare Directive that is recommended by NAELA and other organizations is more comprehensive than the type you receive when checking into the hospital or from other organizations where there is simply a fill-in-the-blank form to be completed. While it is clear that in the Schiavo case there was no written directive at all, one cannot predict what might have happened if there was simply a fill-in-the-blank form that did not cover the types of issues raised by the Schiavo case and the conditions of Terri Schiavo. While these questions are often too difficult to ponder and sometimes difficult to answer, silence and avoidance of the questions are clearly not solutions.

If you would like to prepare a Living Will and Healthcare Directive, please contact Robert F. Muñoz, Esq., at 732-462-7170. Mr. Muñoz is a Member of the National Academy of Elder Law Attorneys and holds a Master’s Degree in Taxation.

Think Twice Before Getting Involved with a Fake I.D.

By: Carrie A. Lumi, Esq.

Most young people cannot wait until their 21st birthday. Often, they get involved with fake I.D.’s to keep up with their older friends who can already get into bars and clubs. What most people do not realize is the serious trouble a fake I.D. can bring them. If you have a fake driver’s license or other government identification in your possession, you could end up with a criminal conviction resulting in an 18 month jail sentence and a \$10,000 fine. If a person displays or uses a fake I.D., a third degree crime, he or she could spend 3 to 5 years in jail and be subjected to a \$15,000 fine. Believe it or not, getting involved with the selling, transferring or making of false identification documents can lead to a 5 to 10 year prison sentence and a \$150,000 fine because our legislature has made this a second degree crime. In addition, whether you are found guilty of making, selling or merely having a fake I.D., you will lose your driver’s license for a period of 6 months to 2 years. If you are under 17 years old when you are sentenced, the suspension period runs from the date you turn 17.

New Jersey also has specific laws relating to the use of someone else’s identification to buy alcohol and the purchase of alcohol by an underage person. If you allow someone to use your I.D. to buy alcohol or you use another person’s I.D. to buy alcohol, you may be subject to a \$300 fine or 60 days in jail. Additionally, buying alcohol when you are underage or buying alcohol for someone who is underage will subject you to a minimum fine of \$500 and suspension of your driving privileges for 6 months. You may also be required to participate in an alcohol education or treatment program if you are convicted of this offense. The legislature takes the use of false identification seriously. Before you become involved with a fake I.D., consider the impact it may have on your life and your future.

**SEE UPCOMING SEMINAR
ON PAGE 1**

May 18th at 6:30 p.m.

**Lomurro
Davison
Eastman
and
Muñoz
P.A.**

ATTORNEYS AT LAW
"AV" Rated*

SAVE THE DATE !!!

LOMURRO, DAVISON, EASTMAN & MUÑOZ
IS PROUD TO SPONSOR
OUR THIRD ANNUAL GIFT AUCTION
TO BENEFIT THE RELAY FOR LIFE,
AN AMERICAN CANCER SOCIETY FUNDRAISER



Last year's auction was a lot of fun. There were door prizes, free food, drinks and many wonderful gifts.

MOST IMPORTANTLY, WE RAISED OVER \$3,000!
This year's auction will be even better and we hope to raise even more money!

**THE AUCTION WILL BE HELD AT OUR OFFICE ON
THURSDAY, MAY 19, 2005
FROM 12:00 p.m. - 2:00 p.m. AND 4:00p.m. - 6:00 p.m.**

WINNERS NEED NOT BE PRESENT AT THE DRAWINGS.

*If you have any questions,
please call Tracy or Cathy at 732-462-7170.*

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of N.J. as a:

- Civil Trial Attorney
- Criminal Trial Attorney
- ✧ Matrimonial Law Attorney