IIT Students

Re: Student Legal Issues.

Dear Student:

IIT has asked me to help you if you have a legal issue, or if you hope to avoid one. Therefore, I am available to you now, 24/7.

For any legal emergency – 24 hours a day, seven days a week. Put my firm in your contacts for that purpose. You will not be charged.

For all non-emergency legal questions, please call during business hours. I am here to help you. While my services will be free to you, they will also be limited in scope based upon the situation. If you have a legal issue, or hope to avoid one, just call or email.

Unfortunately, most times, when you call a lawyer, its because money is gone; the landlord is threatening to sue; you are in the hospital with bills mounting. think to call, it is after a problem has arisen. Benjamin Franklin wrote: “A stich in time, saves nine.” So too, many of the common legal and financial pitfalls facing you can be avoided if you take a few minutes to protect yourself in advance, before things go bad or you create a serious crisis.

Therefore, the following is a current list of a few (not all) potential legal issues you will or might face.

APARTMENTS

PHOTOS / VIDEOS Take photos of the entire space you rent, with special attention to any defects present when you move in. Images of floors, walls, ceilings, common areas and exterior can become useful in the future. Photograph any problems with the property as soon as they occur. Take the images twice: 1) as you are about to move in, but before, and 2) again after you vacate and clean, but before returning keys.
PAPER TRAIL - Make all important communications in writing and/or email. Email yourself a copy of your lease to maintain an electronic copy. Make sure you provide a new postal mailing address to your former landlord when vacating to help you get your security deposit back.

SAVE YOUR LIFE - Do not tolerate any electrical problems, structural concerns, any other health or safety concerns, heating, or plumbing problems. Notify your landlord in writing immediately. You can report important problems with the apartment or building to the City of Chicago at 311, or 911 for emergency.

If a dispute arises, or if you have any questions about avoiding a dispute, please contact me.

AUTOMOBILES

BUYING - Ownership of an automobile is controlled by a paper title. If you are buying a car, make sure you are receiving an original paper title issued by the State, signed by the seller -- the same person to whom you are giving money, and MAKE SURE THAT THE TITLE DOES NOT have a “first secured party” and if one is listed, their signature must also be on the title releasing their interest. It is always best if possible to confirm with the lienholder that their signature is not forged. Do not pay until you are about to receive that ‘free and clear’ title, along with the car itself.

INSURANCE - Illinois Law requires that you maintain insurance on that vehicle. Get the best, not the worst, and get as high a liability limit as you can afford. It can up to your limit if you hurt someone by accident. Perhaps even more directly important to you, it can pay you to your policy limit if someone else hurts you, but whom has little or no insurance, AND your UM/UIM coverage matches your liability limits.

(Ex. Bad Driver with common minimum coverage of $25,000, looks away and strikes your driver’s side, and you have a broken leg or hip. Your hospital bills could be $50,000 to $250,000 + with surgery and a hospital stay. Likely your maximum recovery would be $25,000. If you had liability coverage of $250,000, with the matching UM/UIM coverage, then you could recover up to $250,000 under the Under-Insurance coverage).

(Ex.2 You have the required minimum $25,000. You are driving. A bee flies in the window and lands on your thigh. You look down to swat just, as a pedestrian starts to cross the street. Depending on the damages, you could be responsible for $250,000 or more, with only a $25,000 policy. You could be sued and bankrupted).

So called “Full-Coverage” is not what its name implies. It only covers your car and it is very expensive. Consider a high deductible to lower the price.

Most important is to choose the best insurance company. Dealing with insurance is never easy, but in my experience, the bad ones can make things extremely difficult, and low-ball you if they offer anything at all.
Remember: Insurance companies are in the business of keeping as much money as they can get away with. They are not trying to pay-out. Make sure you know how they can help or hurt you before you deal with them.

How can you choose an insurance company wisely? The State of Illinois regulates all Illinois auto insurers, and quantifies the ratio of the number of complaints per million written in premiums. I recommend that you look at the report and choose an auto insurer with a complaint ration of below 0.2. You are more likely to have a better outcome with these. (Here is 2013: http://insurance2.illinois.gov/Complaints/ratios13/2013AutoByComplaintRatio.pdf)

DRIVERS LICENSES – Illinois wants you to get one if you are living here and you want to drive here.

CIVIL MATTERS

If you are damaged in some way, in person or property, injured, stolen from, or otherwise think you might have a claim against someone for a loss you have suffered, you should contact an attorney immediately.

Crucial evidence may be lost or destroyed with the passage of time – security camera video can be overwritten, data purged, witnesses disappear, evidence lost or thrown away before it gets collected to help you. You must call an attorney as soon as you become aware that you may have a claim. You must also call an attorney immediately as soon as you become aware that a claim might be made against you.

All claims have time limits, known as a statute of limitation. It acts to bar each claim with the passage of time. Therefore, if any claim is not timely filed in an appropriate venue, it will be forever barred.

CAR CRASH

If you are involved in a car accident the law requires that you make a police report immediately. Any persons injured or with property damage may have a claim against the driver and owner who caused it.

If someone is injured or killed by accident, there can be millions of dollars at stake – for or against you. If you might be blamed for causing injury or damage you must act to protect yourself. Likewise, if you are a victim of someone else’s mistake, you must also try to protect yourself. In both of these situations, you should speak to an attorney immediately, hopefully before you speak
with anyone else, and before you speak to any insurance. (They will try to record you saying things that help them, not you).

EMPLOYMENT

EMPLOYMENT CONTRACTS - Employment contracts can have far reaching impact on your career and employability. You must read them very closely. If properly drafted and agreed, they will be enforceable. In most cases they call for you to give up significant rights or suffer penalties in breach, and

a. limit your ability to work if you decide to leave the employer,
b. give up ownership of your creations,
c. limit your ability to deal with coworkers or clients, etc.

PAY – Illinois requires your employer to timely pay its paid employees. If you are not getting paid properly, you can call for help.

AT-WILL EMPLOYMENT - In Illinois, without an employment contract or other agreement to the contrary, generally, employees are “at will,” which means you can be fired for any reason or no reason at all, just not a so-called bad reason, like discrimination, etc.

CRIMINAL MATTERS

If you are the victim of a crime, you should call the police immediately.

If you fear you are about to become a victim of a crime, you should call the police immediately.

If you fear you may be charged with a crime, you should speak to an attorney, you may try to call me immediately.

ORDERS OF PROTECTION

In certain circumstances, you may get a court order protecting you from another person if you have a reason to fear them. You may call me with any questions.

POLICE ENCOUNTERS
PRIVACY  If you have an encounter with police, understand that whatever rights to privacy and or freedom you may have, you can waive (or give-up) by your consent or conduct. Therefore, if you wish to maintain the privacy of your person or home, you can say “No, thank you” if you are asked for your permission to search your person, your place, or your things.

OBEY LAWFUL COMANDS  - You are required to obey lawful commands of a police officer, so if you are not sure if you are being requested to do something, or commanded to do something, you may simply ask.

Police encounters can end in a variety of ways: death, arrest, warning, assistance, or benignly. In all of them, your conduct plays a role. You should always be courteous and respectful, obey all reasonable commands. Know that what you say and do will be used against you.

POLICE QUESTIONS

If you think that you could be charged with a crime, whether or not you might be innocent, you should not make any statements to the police. Those statements will be used as evidence against you. If you fear you might be arrested, you should call a criminal defense attorney immediately. You can also call me any time.

ARREST  If a police officer wants to arrest you, you should comply and Rule 1: Keep your mouth shut until you speak to an attorney. Simply say: “I must speak with my attorney now, please; and must have him present for any search or questioning.”

You must give your identification and address, but other questioning should be met with Rule 1, if you do not want to be questioned and have your words used against you.

WARNING

Lying to government agents is a felony (punishable by more than 1 year in jail).

Lying by government agents is expert, trained, practiced, and refined. The practice of lying to suspects by investigators was specifically reviewed by the U.S. Supreme Court, and approved.

Arrests can show up on national databases, and can effect your immigration status and ability to travel internationally. Less emergent, but more important: Criminal charges will effect your employability. The way that a criminal charge gets resolved, can help limit any lasting effects on your “record.” Therefore: If you are stopped by the police and interrogated for suspicion of a crime, you should follow Rule 1., above.

RECORDING CONVERSATIONS (in Illinois – a/k/a Eavesdropping):

The law in Illinois has changed several times, and continues to evolve, but, know this: improperly recording audio of a conversation could result in a felony (punishable by 1 year or more in prison) charge against you. The criminal statute is: 720 ILCS 5/14-2.

CTA

If you hop over a turnstile, it is considered a crime -- Theft. You could be arrested and prosecuted. Not helpful to your future employment or immigration.

EXPUNGEMENTS

In certain circumstances, you may have records of your arrest and charges sealed or erased. If you do, remember to keep a copy of everything, and get at least 5 certified copies of the expungement order. You should probably get more that 5 certified copies, because as time passes, it will become more difficult, if not impossible to get one (court order from a case erased), and because international travel and immigration can be effected by lack of proper documentation.

DRIVERS LICENSE – Illinois wants you to get one here if you are staying here to go to school.

WIRE MONEY FRAUD ALERT

1. Beware of any person or transaction that requires you to wire money out. They can be legitimate, but it has been the Con-man’s choice payment method because of its finality, and difficulty tracking the person receiving the funds.

2. Beware of checks coming in – Checks can be “stopped” after they appear to be deposited into your account. You may even deposit a fake check, then confirm with your bank that the money is in your account, then weeks later, discover that the bank has taken away that money claiming the check was fake, dishonored, or stopped. Now you owe the bank the money they gave you on that fake or stopped check.

IRS CALLS

Not usually. If anyone calls you demanding money from you day or night, call me.
IMMIGRATION MATTERS

All kinds of things can affect your ability to travel abroad. If you are here on a Visa, you must make sure you understand all of the terms and restrictions on your conduct associated with any permissions that you have to be here. For any issues or questions you have, you should consult an immigration attorney before any problems arise, if possible.

Criminal arrests may require heightened reporting and additional paperwork associated with that arrest, and could limit your ability to travel, or lead to deportation (among other things). Please feel free to call if you need help getting answers.

COPYRIGHT INFRINGEMENT

I am aware that there is a growing trend of people streaming bootlegged video of movies (currently out in theatres, on dvd, or from various premium channels). Doing this can be problematic for your finances, freedom, and employability.

This is not intended to be all you need to know about the law. Rather, these are some of the situations that can arise and about which students might not be aware. A student should not make any conclusions about legal rights from this. Rather, this is to alert you to some common pitfalls and hopefully avoid them, and to help you know when and whom to call.

Please call any time if you have any questions or comments. Best regards.

Very truly yours,

Adam D. Ingber