

PROTECTING EMPLOYEE & CONSUMER RIGHTS



ATTY. CONRADO JOE SAYAS

WHILE visiting someone else's home or place of business, a person may become seriously injured. Such injuries may have arisen as a result of wet floors, uneven steps or floors, falling objects, defective elevators, defective roadways and sidewalks, poorly lit staircases, inadequate security, dog bites, and other dangerous conditions on the premises. Persons who are injured on someone else's property have recourse against property owners or managers.

Building and home owners have a duty to exercise reasonable care of their property to ensure persons are protected from an unreasonable risk of harm. This means the owner has the obligation to inspect the house or the building and either repair or adequately warn the visitors of dangerous conditions on the

property. If the property owner knows of a dangerous condition on the property but fails to do anything about it, the owner may be held liable for any injuries suffered by visitors due to that condition.

What should you do if you are injured on someone else's property?

- 1) Seek medical attention immediately. - The severity of one's injuries are not always apparent. This is the reason why injured persons should immediately seek medical care.
- 2) Take photographs. - Now is the time to put to use that camera on the cell phone. Immediately take photographs of the scene that display the dangerous condition which caused the injury.
- 3) Gather and preserve other relevant information or evidence. - Get the names and contact information of any person who may have witnessed the incident or who can describe the conditions of the floor, lighting and other conditions at the time of the incident. Talk to everyone who saw the accident; the more witnesses, the better. Also, preserve evidence such as shoes and clothes

that were worn when the incident occurred. Items should be secured and stored without being washed, cleaned, or changed in any way.

4) File or obtain an incident report. - If the incident occurred in a business establishment, inform the store manager or the security officer and file an incident report. Before leaving the premises, be sure to get a copy of this report.

5) Preserve medical records. - Depending on the circumstances, the injured person may be eligible to receive reimbursement of medical bills, lost wages and other damages suffered as a result of the injury. However, these damages will need to be proven. Proofs will include medical records from treating doctors, details of procedures performed, and receipts of any out-of-pocket expenses such as for prescription medications or medical equipment.

6) Do not sign anything without obtaining legal advice. - Following an accident in someone else's property, a person may contact you to get more information about your injuries or ask you to sign a release. Before signing anything consult with

an attorney who specializes in these cases and who will be able to advise you accordingly. Our law firm offers a free case evaluation where you may ask questions and determine if you have a meritorious claim. We also work on a contingency fee basis; this means you will not owe your attorney any fees, if no recovery is made.

7) Hire experienced legal help if your injuries are serious. - The insurance company of the property where the accident occurred will investigate who was at fault in the accident. They have an incentive to blame the injured person in order to avoid or minimize payment. These companies are

not there to help you. Often, these cases require the use of experts to prove the dangerous condition in the property. An experienced attorney can provide that expert and assist in your claim. Just because someone was injured does not mean he or she can obtain compensation for his or her injuries. It may take a team of attorneys and experts coupled with a reasonable amount of planning and investigation to prove the case and convince the other side that the injured person must be paid.

C. Joe Sayas, Jr., Esq. is an experienced trial attorney who has successfully obtained significant results, including several million

dollar recoveries for consumers against insurance companies and big business. He is a member of the Million Dollar-Advocates Forum—a prestigious group of trial lawyers whose membership is limited to those who have demonstrated exceptional skill, experience and excellence in advocacy. He has been featured in the cover of Los Angeles Daily Journal's Verdicts and Settlements for his professional accomplishments and recipient of numerous awards from community and media organizations. His litigation practice concentrates in the following areas: serious personal injuries, wrongful death, insurance claims, unfair business practices, wage and hour (overtime) litigation. You can visit his website at www.joeyeslaw.com or contact his office by telephone at (818) 291-0088.

(Advertising Supplement)

BARRISTER'S CORNER



ATTY. KENNETH URSUA REYES

Modifying down child and spousal support in a recession

having less income constitutes a material change of circumstances that would allow the court to modify down your support obligations.

Child support in California is based on guideline formula. One of the factors that is considered in the guideline formula is your gross income. Usually the court would look at several months or even an average of the last 12 months income. If your average income has decreased, you may be able to modify your child support to a lower amount. Bear in mind that there are other factors that come in the equation such as the amount of actual timeshare you spend with your child and the income of the other parent. If the other parent's income has gone down, this may adversely affect your child support obligation.

Spousal support may also be modified unless you stipulated in a divorce judgment that it is non-modifiable. However, spousal support are usually calculated

differently than guideline. The court will look at other factors in deciding whether to modify this. Those factors are listed in family code section 4320.

If you are unemployed, the other party may be expected to try to impute income on you. However in light of the recent cases in California, they would have to prove that you had the ability and the opportunity to obtain employment.

If your income has gone down as a result of the economic crisis and would like to modify down your support obligation, you should seek experienced counsel for assistance.

Attorney Kenneth Ursua Reyes was President of the Philippine American Bar Association. He is a member of both the Family Law section and Immigration law section of the Los Angeles County Bar Association. He has extensive CPA experience prior to law practice. Law Offices of Kenneth Reyes, P.C. is located at 3699 Wilshire Blvd., Suite 700, Los Angeles, CA, 90010. Tel. (213) 388-1611 or e-mail kureyeslaw@aol.com. Website kenreyeslaw.com (Advertising Supplement)

BRIDGING FINANCIAL GAPS



EVANGELINE A. GIRON

A TEACHER on H1-B visa, working on his second year in the US, recently dropped by at my office asking if I could prepare his exemption from tax payments under the US-Philippines tax treaty program.

The treaty provides that exempt individuals include teachers, trainees and students with either F, J, M or Q visas who substantially comply with their visa requirements. This, however, is limited to the first two years of the visa. Among Filipinos, those teachers holding J1 visas qualify for the tax exemption. It is essential to note though that the IRS Code requires that the educational institution the visa holder works for is a "qualified educational institution." A local Montessori or other private school might not be considered a "qualified educational institution" though most universities and colleges, and even unified school districts are.

In addition to the tax exemption, the teacher or student becomes eligible for the Medicare and Social Security taxes abatement, if such taxes were withheld from their paychecks, as both the Internal Revenue Code and the Social Security Act allow

Would a teacher on H1B qualify for tax treaty exemption?

an exemption to international students and teachers who have entered the United States on F-1 or J-1 status and who are still classified as non-resident aliens under the residency rules of the Internal Revenue Code.

But will a teacher on H1B visa qualify for tax treaty, Medicare and Social Security tax exemptions?

NO. The H-1B is an employment visa which is normally issued to individuals who seek temporary entry in a specialty occupation as a professional. It is normally restricted to persons who have a bachelor degree (or the equivalent in work experience).

The H-1B visa holder who has been in the United States for the entire tax year (in other words, you entered the US on your H-1B visa prior to January 1, 2009) is considered a resident alien for tax purposes while the alien with F, J, M or Q visas is legally considered "not in the US" when they come here, someone not subject to the substantial presence test.

The H-1B visitor will pay taxes at the state and federal level at the same tax rates as US citizens, and are liable to pay Social Security and Medicare taxes. He can claim all the exemptions and credits which are available to US citizens, to

include filing jointly with his spouse (even if he/she is living in another country) and claiming the exemptions for his children (assuming the children lived with you in the US for more than half of the year). To file jointly with his spouse and/or to claim the exemptions for his children, he must either apply for and receive valid Social Security numbers for them or request Individual Tax Identification Numbers (ITIN).

Additionally, assuming that you're on H1-B visa and filed for tax treaty exemptions, as has been previously advised to my teacher visitor, would there be negative ramifications of doing such once the need to extend your visa or adjust status arises? I'm betting it would adversely affect your immigration adjustment but that would be best answered through legal advice.

Evangeline can be reached at her marketing location at the Ground Floor of Eagle Rock Plaza (in front of Jollibee), 2700 Colorado Blvd., Los Angeles, CA 90041 or at her business address at 450 N. Brand Blvd., Ste. 600, Glendale, CA 91203, phone number (323) 356-3803 or (323) 254-6787.

The purpose of this article is to provide information of general interest to our clients and prospective clients. The information provided is general in nature and should not be considered complete information on any product or concept described. (Advertising Supplement)

THE Promenade AT GANO EXCEL

MIGUEL VERA, "Intimately Yours"
SATURDAY, MARCH 20, 2010 at 9PM-

Pinoy singing sensation & TV personality Miguel Vera presents an evening of intimate songs. With 3 Platinum Record awards for his 3 studio albums & Grand Prizes at the Metro Musika National Competition and other prestigious awards, Miguel is an international artist of breathtaking talent and depth. In addition to his musical work, Mr. Vera also hosts a popular television show and has appeared in numerous films. Come spend an evening with Mr. Vera and special guest R & B artist Rachae Thomas at The Promenade at Gano Excel. [TICKETS: http://miguelvera.eventbrite.com/](http://miguelvera.eventbrite.com/)

PAULINE WILSON & MICHAEL PAULO
SATURDAY, MARCH 27, 2010 at

A singular musical force, Ms. Wilson, the voice of Seawind, performs romantic and inspirational tunes along with her band, Intuition, featuring "Mr. Saxman", Michael Paulo on saxophone. Join us at The Promenade at Gano Excel to see two living legends perform songs to warm your heart and raise your spirits!

[TICKETS: http://paulinewilson.eventbrite.com/](http://paulinewilson.eventbrite.com/)
Gano Excel USA, Inc. 4828 Fourth Street, Irwindale, CA 91706

FROM YOUR LIFE COACH, BING



CARLYNE ODICTA-KOHNER

WHEN you are in love, it's lovely to listen to the chirping of the birds, to soft rock music, to your boyfriend or girlfriend talking to you. How about if you aren't in love with the person talking to you? Will you still listen?

Someone told me that God gave us one mouth and two ears so we can listen more and talk less. It's a simple concept but it's hard to do. It's always nice to talk about ourselves, to critique what we saw and judge our friends as opposed to just listening and being neutral. It takes a lot of self-management to really be a great listener.

Kids are easily attracted to those people who always listen to them. My daughter always asks me to listen to her. She knows by now that she can tell me everything that she wants to communicate both good and bad. Kids are not the only people who adore being listened to. Adults love it too!

Do you notice that if someone listens to you, you feel understood? A friend needs someone to be there for her/him especially during tough times. I was actually here in LA recently. My best friend just had colon surgery. She is normally a vibrant person. It was painful to see her walking like a toddler and to see her weakened physical condition. The most powerful thing I could do for her was to listen to her inner pain, her fears about her situation and her possible plans in the future. She didn't need any answers from me.

I was there just to LISTEN. I also spent time with my sister Sheila. She told me about her life at work, her friends, and her employers. She conveyed her everyday life to me as well as all the things that made her happy. I like to listen to her because she is an animated storyteller and she is an excellent mimic. By actively listening to my sister I deepened our shared connection. I was there just to LISTEN.

Last Thursday, my daughter and I returned to Barcelona.

Are you a great listener?

The following day my husband arrived back home from his business trip to the US. As always, he was happy to see me. He loves to tell me about his travel experiences. I love to listen to him because I often learn something new. I was there just to LISTEN.

Just listening may not seem like very much but in fact it is the most important gift you can share with another person. As a Coach I have learned to listen to my clients in new and specific ways. It takes training and practice to become good at listening. By truly listening to the core of my client's message, I (the Coach) can then direct her attention to what he/she is trying to communicate.

Lets talk about you. Where are you right now? I know you are reading this article. Are you reading it in your house, at work or in the mall? Please notice your location. Let's check your listening skill. What kind of listening are you currently demonstrating?

1. Internal Listening - You are very focused on the things in your mind. Your thoughts may be about yourself or others.

For example, are your thoughts about this article, about your work tomorrow, or about the errands that you must complete? Your internal conversation might be, "How much time do I have in the mall? Will I be late for my next appointment? When will I eat? If I do, what are the specials today? How are the prices?" Where do you put your attention as you have these thoughts? You might not have noticed the person in front of you who smiled at you or the things around you.

2. Focused Listening - You're focused on the other person and you are aware of the words coming out of her mouth, her tone, her pace and her feelings.

For example, let's say a friend or a colleague comes to you. You ask her, "How are you?" She tells you that she feels awful because she has not been able to sleep for several days. Because you are focused on her experience and you are curious, you ask her further questions and find out that she's not able to sleep because she is concerned about her daughter who is flunking out of school. She feels terrible for her daughter and she's em-

barrassed that she's not doing well. Academic success is very important to her. After she talks for a while she tells you that she feels better. It is helpful to have someone to just listen. She now understands more about why she can't sleep even though you did not offer her any answers. You just asked her some powerful questions based upon what you were hearing her say.

3. Global Listening - You are listening to the person in front of you while at the same time you are listening in all directions at once. It's as if you have a wide-angle lens and you can hear everything that is happening within a 360 degree radius around the person to whom you are speaking.

Once again, let's say you are in the mall. You feel hungry so you order food. While waiting, you were reading this paper. You meet a neighbor so you stop reading the paper and you start talking to him. While you are talking, you are also anticipating eating your meal. The food is served. You start eating and you notice the Filipino people around you. Some speak in Tagalog, some speak in English. You are still listening to your neighbor as you eat and notice a baby crying in the corner. This means that you are aware of yourself, the person in front of you and all the things around you.

Where are you with your listening right now? Are you doing Internal, Focused or Global Listening? The Internal Listener listens to himself. The Focused Listener listens to the person in front of her. The Global Listener was able to listen not only to the person in front of him but to the energy of the space around them as well.

Here's what I want you to do. In the next few days, notice how you listen when you talk to your children, colleagues, friends, husband, siblings, parents or strangers. Check to see whether you do Internal Listening, Focused Listening or Global Listening and notice your impact on the person in front of you as you listen in these three different ways.

Bing (Carlyne Odicta-Kohner) was trained as a Life Coach here in the US from the Coaches Training Institute (CTI). She is a member of International Coaching Federation (ICF). She owns Limitbusters Coaching & Training, Inc. (LCT). Please visit her at www.limitbusters.net or email her at bingkohner@limitbusters.net.