Legal Matters®
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Someone pulled out in front of my vehicle... so who's at fault?

One of the most common accident scenarios is a driver unexpectedly pulling out in front of another car. When this happens, the driver who initially had the right of way may not be able to react in time to avoid a crash. Technically, that driver hit the other vehicle. So, who is responsible?

In most states, the driver must yield to oncoming traffic. That means if someone's entering a main road from a parking lot, driveway or side street and they don't check to see if it's clear, if you hit them, you're likely not the one to blame.

Still, the other driver (and their insurance company) is likely to contest fault. For example, they might claim you were speeding, or you were distracted by your phone or the radio and had you been paying closer attention, you could have braked in time to avoid the collision. If they can establish this, you could be found at least partially responsible.

In a lot of states, that means that even if the other driver was more at fault, whatever compensation you recover for the harm you suffered will be reduced by your own percentage of the fault.

Other factors that help determine who's at fault include traffic signals and signs. If the other driver disregarded a stop sign or red light when they pulled out in front of you, they will very likely be considered at fault.

Witness statements can also play a role. If other people saw the accident, they may be able to help clarify how fast you were going or how much time you had to react, potentially backing up your own account.

Similarly, if you can document road conditions, that may play into the determination of fault. For example, maybe it was icy during winter or slick from a rainstorm. Obviously, a treacherous road surface would be a factor in whether you were reasonably able to stop in time.

If you get in an accident caused by someone pulling out in front of you, you can protect your rights by calling 911 at the scene to get a police report, seeking medical attention right away (even if you think you aren't hurt; some injuries develop over time), taking photos of the accident scene, and getting contact information for any witnesses.

Perhaps most important, call an attorney. A lawyer can help you gather evidence, negotiate with insurance companies, and potentially bring your case to court to get you whatever compensation you're entitled to.

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When a spouse dies during divorce, what happens next?

Divorce is rarely easy. But when a spouse dies during the process, it becomes legally and emotionally more complex.

While laws vary by state, most courts will dismiss a divorce case if one spouse dies before it's finalized, unless the court has already issued a final judgment ending the marriage or local law allows limited continuation. Family courts typically dismiss the case because there's no longer a marriage to dissolve.

In that situation, the surviving spouse is no longer viewed as a future divorcee but instead becomes a widow or widower. From there, any unresolved issues — such as asset division or custody — fall under Probate Court jurisdiction instead of Family Court.

In rare cases, the marriage itself may be legally ended before the rest of the divorce is finalized.

In some cases, a judge may issue what's known as a "status-only" divorce, in which a judge allows the couple to be legally divorced even though issues such as dividing assets or deciding on custody haven't been resolved yet.

This process, also known as a "bifurcated" divorce, is sometimes used when one spouse wants to remarry, or if there are other time-sensitive concerns.

If a spouse dies after a status-only divorce has been granted, the couple is no longer considered married. However, the remaining legal matters, such as property division or child custody, may still be handled in court, with the deceased spouse's estate or legal representative stepping in. That can allow those issues to be resolved without starting over in Probate Court.

Property division becomes another crucial factor. In community property states, such as California or Texas, a surviving spouse may inherit all shared property under state law if no final agreement or court order was in place before the death.

In equitable distribution states, assets are typically handled through the estate process based on a valid will or, if there is none, the state's intestacy laws. Either way, the moment of death becomes a legal line in the sand.

Custody outcomes are usually more straightforward. In most states, the surviving parent will assume full custody of any minor children unless the court determines that parent to be unfit.

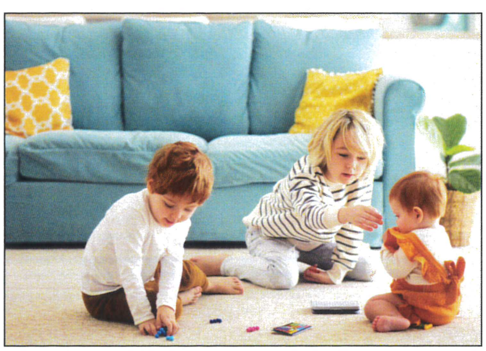
Some states allow grandparents or other relatives to petition for visitation, but that varies by jurisdiction and circumstance.

If child support was in place, obligations may be enforced against the deceased parent's estate, depending on how far along the divorce proceedings were and the terms of any prior court orders.

Because outcomes differ depending on the timing and specific facts of the case, individuals going through divorce should understand the importance of estate planning, court order timing, and how their state treats death during divorce.

A sudden loss can reshape legal and financial realities in ways many couples don't expect. Taking proactive steps with a lawyer can provide clarity and protect loved ones during an already difficult time.

Even products designed for children can pose dangers



Common household products, including those designed for children, can pose serious dangers, particularly when they're defectively designed.

You might wonder what kinds of products you should pay especially close attention to if you have children around.

The most obvious are small objects, such as watch batteries, toys with tiny parts, and laundry pods. They can cause serious choking and even poisoning hazards if swallowed. If you're not super careful, they can be easy for your kids to access when you're not watching.

Additionally, furniture — particularly freestanding bookshelves and cabinets — can tip over and seriously injure small children if they don't have proper wall attachment pieces.

Meanwhile, certain clothing items, due to poor design, can cause risk of suffocation.

And many children's toys, because of how they are designed, can cause serious cuts or choking hazards.

Many other products pose similar risks. If your child was injured because of a manufacturing defect or because the product didn't provide sufficient warning of the risks, you could potentially hold the manufacturer accountable. Call a local attorney to learn more.

How the 'One Big Beautiful Bill' reshapes estate planning

On July 4, the One Big Beautiful Bill Act became law, bringing fireworks not just to the sky, but to the tax code.

While the OBBBA includes sweeping changes to tax and spending policy generally, several provisions directly impact estate planning, charitable giving, and family wealth strategies.

Here's what you need to know:

Bigger transfer exemption

One of the headline changes: the federal estate, gift and generation-skipping transfer, or GST, tax exemption is now permanently increased to $15 million per individual (or $30 million for married couples), starting Jan. 1, 2026.

This new exemption amount will be adjusted for inflation in future years and — crucially — does not sunset like the 2017 Tax Cuts and Jobs Act provisions it replaces.

What that means:

- More wealth can be transferred to heirs free of federal transfer taxes.
- Individuals who have already used most or all of their current exemption (set at $13.99 million in 2025) will gain additional room to make tax-free gifts starting in 2026.
- The window for advanced wealth transfer strategies is wider but not necessarily endless. A future Congress could revisit the exemption amount.

While the exemption increase simplifies planning for many, state-level estate taxes still apply. Massachusetts, for example, continues to tax estates over $2 million. Without proper planning, an estate could avoid federal tax but trigger a sizable state tax bill.

Charitable giving updates

The OBBBA also introduces several important changes for donors — both those who itemize and those who don't.

For taxpayers who take the standard deduction, the law creates a new benefit: a limited "above-the-line" charitable deduction. Individuals can now deduct up to $1,000, and married couples filing jointly can deduct up to $2,000, for contributions to qualified public charities and certain tax-exempt organizations — even without itemizing.

For itemizers, the law introduces the following changes:

- A new 0.5 percent floor means that charitable deductions are only available once total giving exceeds 0.5 percent of a donor's adjusted gross income (AGI) (e.g., $2,000 for $400,000 AGI; $5,000 for $1 million AGI). Contributions below that threshold won't be deductible, but they can be carried forward to future years if the floor is exceeded later.
- The act makes permanent the rule allowing cash contributions to public charities to be deducted up to 60 percent of AGI, an increase from the pre-TCJA limit of 50 percent.
- However, there's a cap for high earners: Taxpayers in the top income bracket will see their total itemized deductions, including charitable contributions, capped at 35 percent of the allowable amount.

In light of the new floors and caps, individuals could benefit from reviewing their charitable-giving strategies to determine whether bunching contributions into larger amounts over fewer years yields better tax results.

Added flexibility for 529 plans

The OBBBA expands the use of 529 education savings plans. Starting in 2026, families can use 529 plan distributions for a broader range of K-12 educational expenses.

In addition to tuition, eligible costs now include tutoring, educational therapy for students with disabilities, standardized testing fees, college entrance exams, advanced placement tests, and related books or materials. The annual cap for K-12 distributions also doubles from $10,000 to $20,000 per student.

Planning opportunities for business owners

For families and individuals who hold stock in privately held companies, the OBBBA also expands the benefits available under Qualified Small Business Stock rules.

Under the new law, the minimum holding period for QSBS to qualify for capital gains exclusions is reduced from five years to three years, with phased-in benefits: stock held for at least three years qualifies for a 50 percent gain exclusion; four years earns a 75 percent exclusion; and five years still yields a full 100 percent exclusion.

Additionally, the lifetime cap on excludable gains from QSBS increases from $10 million to $15 million per issuer, and the definition of a qualified small business is expanded to include companies with up to $75 million in gross assets, up from $50 million. Both thresholds will be indexed for inflation starting in 2027.

These changes create additional flexibility in gifting or trust strategies, especially for those seeking to combine QSBS planning with the expanded estate and gift tax exemption.

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DOL relaunches self-audit program to aid employer compliance

In July, the U.S. Department of Labor reintroduced its Payroll Audit Independent Determination — or PAID — program, offering employers a voluntary path to self-identify and correct potential violations of the Fair Labor Standards Act and Family and Medical Leave Act before formal investigations begin.

The new iteration of the program builds on the 2018 pilot but expands the scope and introduces additional requirements as follows:

- Self-audit and proactive fixes

Employers may conduct internal reviews of wage, overtime and leave practices and work with DOL's Wage and Hour Division to resolve any issues through payment of back wages or other remedial steps, without facing litigation.

- Voluntary participation with transparency

Eligible employers must self-identify to the DOL, report any known employee complaints, and certify that they are not currently under DOL or state investigation on the relevant issues.

- Covers Fair Labor Standards Act, Family and Medical Leave Act

In contrast to earlier versions, the program now includes Family and Medical Leave Act compliance issues alongside wage hour corrections.

'Culture of compliance and trust'

The DOL emphasizes that self-audits help build a "culture of compliance and trust" while reducing enforcement risk for companies willing to address problems proactively.

That aligns with broader agency efforts to encourage voluntary correction programs across multiple business areas.

HR, payroll and legal teams should weigh the following:

- *Eligibility assessment:* Employers must confirm they have not had recent violations or be under existing formal investigations to participate.
- *Full disclosure:* Participation requires full transparency about known internal complaints related to pay or leave claims.
- *Program trade-offs:* Employers gain relief from penalties but accept that identified violations become known to the DOL. Employee rights under federal, state or local laws remain intact outside the audit.

Compliance strategy

The PAID program offers a compelling compliance strategy for businesses seeking to resolve potential Fair Labor Standards Act or Family and Medical Leave Act violations on friendly terms.

Employers should:

- Review internal processes to identify gaps.
- Decide whether proactive self-audit and resolution could mitigate risk.
- Consult legal counsel to evaluate the program's applicability and implications and to ensure it aligns with broader compliance goals.

By engaging with PAID, companies can demonstrate good-faith efforts to comply with wage and leave laws before whistleblowers or audits raise the stakes.