

LAW OFFICE OF | MARK COHEN, P.C.



MORE NEW LAWS: HAVE A BEER WITH YOUR BARBER

I got some more new laws to share with you. I'll start with the most entertaining one.

Barber and Beer: The next time you go to your local haircutting establishment for a shampoo, cut, color, and style, your hairstylist can now serve you beer or wine. (Civil Code §23399.5(c)) But there's more good news. Your haircutter cannot charge you for the drink. So, enjoy.

Save the Animal: See a dog stuck in a hot car. Feel like rescuing the animal but afraid you'll get arrested for vandalism and then sued by the owner for smashing his/her window? New Civil Code §43.100 and Penal Code §597.7 now offers you some protection. Here's how it works.

Penal Code §595.7(a) prohibits a person from leaving an animal unattended in a car under conditions that endanger it due to heat, cold, or lack of food, water, or ventilation or other circumstances that could reasonably be expected to endanger the animal. Penal Code §597.7(b) however, permits a person to take reasonable steps to remove an endangered animal. But before a good Samaritan breaks into a car and comes to the rescue, he/she must have determined that the door is locked and there is no reasonable way to remove the

animal, has a good faith belief that forcible entry is necessary because the animal is in imminent danger, has contacted the police or animal control, remains with the animal until the police arrive, uses only the force necessary to remove the animal, and immediately turns the animal over to law enforcement or the first responder. New Code §43.100 provides civil immunity to such an animal rescuer.

Employment Contracts: On a more serious note, thanks to State Senator Bob Wieckowski (Fremont), an employment contract for someone working in California can no longer contain a provision that sets the dispute resolution jurisdiction outside of California. Imagine if you get screwed by your employer for not paying you all that vacation time you were promised and have to go all the way to Minnesota (nothing against Minnesota) to make your claim. Thanks Bob, for getting Labor Code §925 passed.

Immigration Status Inadmissible: Last one. In this day and age, illegal or undocumented (whatever term you prefer) immigrants are easy targets of attack. Yea, I know, there's a lot of people that simply want the law followed and are disturbed by someone who didn't follow the rules. Clearly, there's merit to that position. At the same time, the issue of illegal immigration is more complicated than that. And America is founded on immigrants, many of which started out as less than legal. Added to the mix is the American tradition of fairness and compassion for the oppressed. The Statue of Liberty testifies to that point. We also have an American ethos of working hard and being self-sustaining. And it is this ethos that best describes America's immigrants, both "legal" and "illegal", more than any other disparaging labels some politicians have attempted to pin on them.

By some estimates, there are between 11.5 and 12 million undocumented immigrants. And these undocumented (go ahead, call the illegal if you like) immigrants pay an estimated 11.6 billion dollars in taxes, just like you and I (but probably not like our president) does. So, you ask: what's my point?

If an undocumented immigrant due to no fault of his/her own, was in an accident and sought compensation from the negligent party for his/her injuries and medical bills, the insurance lawyer for the negligent party would often inquire about and attempt to use a person's illegal or undocumented status as an act of intimidation. This discouraged valid claims and permitted the negligent person to get away with his/her wrongful conduct. And when you think about it, a person's immigrant status has nothing at all to do with whether the other party is negligent. But that has not stopped insurance companies from treating a victim unfairly. Thanks to new Evidence Code §351.2, "evidence of a person's immigration status shall not be admitted into evidence, nor shall discovery into a person's immigration status be permitted."

As a lawyer, all I ask for is fairness. If a person is negligent and causes harm to another, that person -usually through his/her insurance carrier-should be responsible for his/her actions and properly compensate the injured party. That's fair. That's also American.

PERSONAL
INJURY



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ADMINISTRATIVE
LAW



AREAS OF PRACTICE

LAND USE
& ZONING



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CRIMINAL
DEFENSE



AREAS OF PRACTICE

In the next issue: I'm, not sure what I'm going to write about. I want to see what happens to our country in the next few weeks. Perhaps I should just dispense practical advice instead of delving into politics.

You got questions? Got an idea for a topic? Let me know. I will see if I can write an article about it. "



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Quotes of the Month:

"The Statue of Liberty is no longer saying 'Give me your poor, your tired, your huddled masses.' She's got a baseball bat and yelling, 'You want a piece of me?'"
Robin Williams

This one is worth repeating:

"Politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly and applying the wrong remedies." — Groucho Marx

Law Office of Mark Cohen, P.C. T: 510 792 4008 E: mark@markcohenlaw.com

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Law Office of Mark Cohen, P.C. | 39510 Paseo Padre Parkway, , Suite 190, Fremont, CA 94538

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