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The Truth Behind the 99.6% Conviction Rate Understand the Fifth Amendment — And Use It

It's the job of the criminal defense legal system to ensure that those accused of crimes get fair treatment — so it may or may not shock you to learn that 99.6% of federal criminal cases have convictions, as of 2019. An important factor to remember is that a great majority of cases are handled or dismissed in lower courts.

But what happens if you're innocent and your case gets to the federal level? Should a 99.6% conviction rate worry you? Perhaps.

Why Conviction Rates Matter

A high conviction rate might seem like a source of comfort to an ordinary person. That means criminals are being put away for what they've done, right? Not always. Innocent people can be convicted, and it happens more often than you think. According to the Innocence Project, about 4% of federal convictions imprison innocent people. In state prisons, the percentage varies widely from 1%–10%.

If you're ever at the wrong place at the wrong time, you'd want to know you had a chance to prove your innocence. But proving innocence is complicated, too.

The Fifth Amendment: An Innocent (and Guilty) Person's Best Friend

Over the past few decades, the Fifth Amendment — or the accused's right to stay silent and never testify against themselves — has been slightly politicized by politicians and even judges speaking against it. However, as a constitutional right borne from an era of war and political misjudgment, it exists for a good reason.

The truth is simple: Most people don't understand that speaking to a law enforcement officer will usually result in their being accused of a crime, regardless of their innocence. Even if you tell the truth, the most well-intentioned police officer can still easily construe your words to point toward your guilt.

Whether you're guilty or innocent, you deserve fair treatment. To ensure the best results in your case, always direct police officers to your attorney. This puts a heavier burden on the government to make a case against you. This year, take on another resolution to never feel guilty for using your Fifth Amendment right! It's one of the best things you can do as an American citizen. Not every country allows it!



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PM Perspectives

THE WORST DECISION IS NO DECISION

Choosing What's Next After an Accident

When I first meet my clients, their lives are often in a state of transition. They've been seriously injured, and they're working on healing both physically and mentally. In many cases, it is unlikely that they will be able to return to their previous careers. They question if they'll be able to work again and support their families in the future.

Under New Jersey law, even if an injured employee is unable to return to the same career, an award of total disability is not automatic. Many devastating injuries result in an award of only "partial total" disability benefits, if the court concludes that the individual is employable in other industries. For that reason, it is imperative for those with a life-altering injury to consider a new career path as soon as possible.

You should view medical treatment / recovery as "your job," while you are out of work, collecting temporary disability benefits. However, you should also make time to think about contingency plans. While there is always hope that medical intervention will result in a full recovery, it would be wise to research new industries for making a living.

Some of my clients take that advice and do very well. Recently, a client [let's call him Frank] told me that he was applying for a commercial driver's license at age 50 due to the high demand for truck drivers. I applaud Frank for that decision because many people his age throw up their hands and say they're "too old" to try something new. But these days, 50 is still relatively young. Frank realized he has a lot of time ahead of him and planned for his future.

Other clients get stuck. Individuals often gain their sense of identity



from their jobs, and without that, they're not sure how to move forward. Many people who have been in the same line of work all their lives cannot imagine doing something different, so they're wracked with indecision if an injury prevents them from continuing in the same career. They become so tied to who they were that they can't see who they can become.

I thought of these tortured souls when I was listening to an audiobook entitled "Beyond Order," by Jordan Peterson. The below passage resonated with me because it reflects what many of my clients are going through:

"There are many things to which we might commit ourselves. A case can be made for the arbitrary and even meaningless nature of any given commitment, given the plethora of alternatives, given the corruption of the systems demanding that commitment. But the same case cannot be made for the fact of commitment itself: Those who do not choose a direction are lost. It is far better to become something than to remain anything but become nothing ... [T]he worst decision of all is none."

Change is difficult, and people get caught up in fear of the unknown. Many folks are afraid to move forward because they're worried they might choose incorrectly. But indecision is a losing prospect. Failing to choose is itself a choice — and it's the worst type of all.

If you've been injured and are trying to determine what the next chapter of your life holds, I have some simple advice: Pick something and commit to doing the best job possible, without regrets. I won't pretend the journey will be easy, but mentally making the choice to commit to a new endeavor is the most important step you can make. Deciding will immediately give you a new sense of purpose and help you see a brighter future for yourself. There are free career aptitude tests online that can match your personality and interests to an industry. Once you focus on a particular industry, you may need to relocate to find more opportunities. Embrace this possibility as an exciting adventure, rather than with trepidation and fear. The next chapter in your life may be more fulfilling than you could have ever imagined. But you must turn that page.

I wish you all a happy and healthy 2022.

-Lisa Pezzano Mickey

How Much Are Your Favorite Pants Worth?

One Man Estimated His at \$54 Million



Everyone knows that the perfect pair of pants can be hard to come by, but are they worth \$54 million? Administrative Judge Roy L. Pearson had a favorite pair of pants, but in 2007, he claimed that Custom Cleaners lost them and returned a completely different pair instead.

It all began when Pearson took his pants to the Washington, D.C., dry cleaners for alterations worth \$10.50. The pants were sent in error to the incorrect dry cleaner, so Pearson's pickup was delayed by several days. Once the pants were returned, despite bearing all the correct tags and matching his receipt, Pearson declared that the pants were not his. When the dry cleaner refused his demand for \$1,000 compensation, he decided it was time for legal action.

Pearson originally sued the cleaner's owners, Soo Chung, Jin Nam Chung, and Ki Y. Chung, for a whopping \$67 million in damages but later reduced the claim to a far more reasonable \$54 million. In his suit, Pearson requested \$3 million for mental distress, \$90,000 for a rental car to visit another dry cleaner, and \$500,000 in attorney's fees (Pearson represented himself). At the heart of his claim,

though, was the company's failure to live up to their "Satisfaction Guaranteed" and "Same Day Service" signs in the window.

The media had a field day, joking about the case as a "pantsuit" and inspiring a "Law & Order" episode called "Bottomless." Pearson seemed to relish the spectacle, calling his lawsuit "an awesome responsibility" in court and breaking down into tears on the stand. He also called a witness who compared the Chungs to Nazis. Even though the Chungs offered him a \$12,000 settlement to make the case go away, Pearson persevered.

He ultimately lost his case. At the end of the trial, the judge declared that no reasonable person would consider the signs at Custom Cleaners to be an unconditional promise — and also that Pearson had failed to prove the returned pants weren't his.

The Chungs ultimately recovered their court costs via a fundraiser, and Pearson lost his judicial appointment. Unsurprisingly, this prompted another lawsuit, which he also lost. In 2020, Pearson was suspended from practicing law for 90 days as a result of his actions in *Pearson v. Chung*. But for bringing new meaning to the phrase "I'll sue the pants off of you," his place in legal history is secure.

You're Not a Snowman So Don't Feel Frosty

Winter is here, and the cold has settled in. You've gotten out your fuzzy slippers and put on an extra sweater, but maybe you still can't shake that chill. Before you crank up the heat again, is there anything else you can do to keep warm? Here are a few ideas you can try!

Use the sun. While winter brings plenty of cloudy days, the sun is still known to make an appearance. When it does, open your curtains wide and let the natural heat fill the room. Just be sure to keep that warmth inside by pulling the curtains closed when the sun goes down.

Bonus tip: Park your car facing the sun! It will be warmer when you get in, and you'll have less snow and ice on your windshield.

Stay hydrated (the right way). Did you know that your body is able to retain heat better when you're hydrated? That's just one more good reason to ensure you're drinking enough water. But you should be wary of hot beverages like coffee and tea. Though they make for a great hand warmer and temporarily leave you feeling toasty, caffeine restricts your blood vessels and makes it harder for your body to stay warm. Similarly, alcohol feels warm going down, but it both increases perspiration and lowers your core body temperature.

Keep your bed cozy. No one wants to go to sleep shivering, so your bed should ideally be the warmest place in the house. You can achieve this by layering your blankets properly: Fluffy layers go right over the sheet, and dense layers go on top to provide a thermal barrier. To up your game further, get a hot water bottle and leave it under the sheets for 20 minutes before you climb into bed. No hot water bottle available? Spend a couple minutes running a blow-dryer over the sheets instead.

With these tips, you're ready to have your warmest winter ever — without racking up your highest energy bill. Catch some rays, snuggle up, drink some water, and remember that spring will be here soon enough.



TAKE A *BREAK*



DEEP-FRIED NEW YEAR'S 'COOKIES'

What do you get when you mix a cookie and a doughnut? A portzelky! This traditional Mennonite "New Year's cookie" is perfect for sharing.

Ingredients

- 2 tbsp yeast
- 1/2 cup water, warmed
- 1/2 cup and 1 tsp sugar, divided
- 5 eggs, beaten
- 1/4 cup butter, softened
- 2 1/2 cups milk, warmed
- 1 1/2 tsp salt
- 4 cups raisins
- 7 cups flour
- 4 cups canola oil

Directions

1. In a large bowl, combine yeast, water, and 1 tsp sugar. Wait 10 minutes.
2. Stir in remaining sugar, eggs, butter, milk, and salt.
3. Fold in the raisins and flour. Cover the bowl with plastic wrap. Let the dough rise for an hour.
4. In a high-sided pot or deep fryer, heat canola oil to 340 F. Line a plate with paper towels.
5. Drop a rounded tablespoon of dough into the oil. Fry until golden brown, then set aside on the plate. Poke the cookie with a toothpick. If the toothpick comes out clean, it's cooked through!
6. Repeat until the batter is gone.

Inspired by MennoniteGirlsCanCook.ca

A CRASH COURSE ON OFFSHORE FINANCE

Like the Panama Papers released in 2016, the Pandora Papers published in October 2021 expose the financial secrets of some of the world's wealthiest people. In particular, they detail how the very rich use offshore finance to hide the extent of their wealth.

But what exactly is offshore finance? Why do people use it? Is it even legal to use?



Offshore finance gets its name from the island and coastal locations where the practice of creating foreign tax havens originated. Today, offshore finance refers to any financial instruments or assets kept in countries that are not the owner's country of residence.

When an offshore account is created, it follows the financial regulations of the nation in which it is held. Countries commonly used for offshore finance often have stricter privacy laws and allow the creation of shell companies. Shell companies are organizations that exist on paper only, without employees or offices, but act as a legal "shield" against taxation and creditors. (At least 19,000 shell companies exist in the Cayman Islands alone.)

Simply having an offshore bank account or shell company is not illegal or even necessarily a sign of nefarious activity. Lawyers and accountants who deal in offshore finance often know exactly how to use the law to their clients' advantage. They can also propose solutions that are technically legal. But concerns arise since the countries chosen to hold wealth offshore tend to prevent foreign governments from inspecting their accounts; this makes legal vetting next to impossible.

A lack of transparency is the main point of contention, and it's the reason why many people look at offshore finance negatively. Because the U.S. government cannot determine which assets are being held offshore, it cannot impose any taxes on them. Some parties also view hiding wealth offshore as a way of protecting a person's assets from civil lawsuits, creditors, or investigations in the owner's home country.

It's estimated that over \$1 trillion is held in offshore accounts, and studies indicate that the bulk of this money is owned by the ultra-wealthy. Further, experts believe that the tax revenue lost to offshore finance equals about \$800 billion per year worldwide. As to whether or not the Pandora Papers will inspire changes to the law, we'll just have to wait and see.