

THE BUFFALO NEWS

Your Money

TUESDAY, NOVEMBER 30, 1999

PERSONAL FINANCE

You can't always act as your own lawyer, but **knowledge of the law** can still save you money



Attorney Brett McWhorter Sember wrote three self-help law books tailored to New York State law.

SHARON CANTILLON/Bufalo News

Self-help law

If a lawyer who represents himself has a fool for a client, what is a non-lawyer who represents himself? Probably several hundred dollars ahead.

"Somehow our laws are not very accessible to people ... it's so daunting to think of having to go look in a law book," says Brett McWhorter Sember, author of three legal self-help books. "It's very intimidating." Get past the burl walnut veneer, however, and you'll find that many legal procedures are easy to complete without the aid of a \$100-an-hour professional.

Sember knows this because she's an attorney herself. She trained at the University at Buffalo and practiced locally, often handling divorce cases, before she became an author of legal how-to books.

"When I did uncontested divorces I charged \$500 to \$700 just for the time," she said. "Every uncontested divorce I did could have done itself."

An explosion of legal self-help resources is making it easier to find the legal information you need. In addition to books published by Sphinx Publishing, McWhorter's publisher, there are a profusion of books and World Wide Web sites devoted to everyday legal problems.

Some Internet resources for legal self-help include:

- courts.state.ny.us - Button labeled "forms" has downloadable copies of New York legal forms.
- www.nolo.com - Legal Q&A, order books online.
- www.findlaw.com - Search engine and links page for legal information.
- www.ehow.com - Legal how-to articles mixed with recipes and parenting information.
- <http://assembly.state.ny.us/AJS/laws.html> - Text of laws of New York State.
- <http://uscode.house.gov> - Text of laws of the United States.

Sember's books - on divorce, forming a corporation and landlord rights and responsibilities - address some of the most frequently encountered legal problems. They sell for \$19.95 to \$24.95 in bookstores.

"Knowledge is power - that's the whole root of what this is about," she said.

But do-it-yourselfers can miss subtle points that carry big financial implications, attorneys warn. Buffalo lawyer Patrick C. O'Reilly has seen hand-crafted agreements



"When I did uncontested divorces I charged \$500 to \$700 just for the time... Every uncontested divorce I did could have done itself."

Brett McWhorter Sember, Author of three legal self-help books

come in with gaping holes that weren't apparent to the participants.

"Sometimes things aren't even mentioned, like pension," O'Reilly said. Some couples have overlooked future pension payments amounting to tens of thousands of dollars when drawing up a divorce agreement, he said.

Where divorce is concerned, most couples with substantial assets realize they can't go it alone before the papers are finalized, he said.

In one recent case, the wife worked during the first six years of the marriage, putting the husband through medical school. Now, 20 years later, he's making "well into six figures" in his practice.

Like an investor in a company, the wife has an ownership claim to her husband's medical education - but what is it worth? "In New York you seek to value that education as an asset," O'Reilly said. "These are questions that are difficult for professionals" much less for laymen.

But for many, divorce can be a straightforward procedure - notwithstanding widespread misconceptions fueled by television dramas.

"People think divorce has to be a fight to the death, where one person gets taken to the cleaner," Sember said.

Even couples who will hire lawyers can benefit from doing research beforehand, she said. A background in the law and court procedures can erase common misconceptions and hone down the list of questions, cutting time and money spent for professional help.

In custody issues, for example, couples

See Law Page D7

Law: Uninformed landlords often act illegally

Continued from Page D1

often fail to realize that the court's main goal will be what's best for the child, not what one side thinks is fair.

Forming a corporation is another procedure that can be accomplished routinely without legal help, at least for most small businesses, Sember said. For a company with five or fewer shareholders, incorporating is little more than filing the correct forms, including a certificate of incorporation with the state.

To function as a corporation, the company must designate offi-

cers, keep a separate bank account from the owner and keep minutes of regular board meetings.

In landlord-tenant matters - another legal arena that many people enter at some point - small property owners often make mistakes through ignorance of their legal rights and obligations, Sember said.

For example, evicting a tenant can be done legally only under tightly defined circumstances. Not only does a clause of the lease have to be violated, but notice must be given. And if rent is overdue, the landlord must serve notice for each period a payment was missed, not just the first.

"The laws are very strict about terminating a tenancy and if they are not followed, the landlord may lose the case and be required to pay the tenant's damages and attorneys fees," according to Sember's book *Landlords' Rights and Duties in New York*.

That doesn't mean owners of one or two properties need to have Perry Mason on retainer, she said, but that they must do their homework before acting.

"Lots of landlords are do-it-yourselfers," she said. But when their actions aren't legally valid, "then you do need a lawyer who will step in and clean the whole mess up."