

## What happens if I die without a will?

The greatest gift you can give your family is peace of mind. If you die without a will (known as "intestate"), you forfeit the right to direct the assets of your estate. This often results in needless legal disputes, damage to personal relationships, and sometimes, financial tragedy. A will is an opportunity for you to designate your own executor, guardians for minor children, and other fiduciaries, rather than relying on the probate court to appoint them for you. Trustees for minor children or other beneficiaries of your estate can be designated in a will, and their powers can be tailored to the anticipated needs of those beneficiaries.

### Five reasons to have a prepared will:

1. You can do a better job deciding how to disburse your assets than the courts.
2. You can choose a better personal representative to handle your estate during probate than the courts.
3. You can choose a more caring guardian for your minor children than the courts.
4. You can designate a favorite charity to benefit from your assets to minimize government estate taxes.
5. Your grieving loved ones will be better off looking after your affairs if you detail your wishes through a will.

Even those who have shifted the majority of their assets into trusts designed to bypass the probate process, or who use joint ownership, should draw up a will. Most property owners inevitably leave behind an estate simply because the estate planning tools are not designed to shift all assets away from the probate process. Certain properties and assets will often still be held in the name of the owner for convenience and management reasons. In the typical case, the assets that are designed to bypass the probate process will not pass under the will.

### Did you know?

*Nearly 57% of all adult Americans die without a will. Don't let that happen to you!*

In addition, there are negative tax consequences that may arise for your estate as well as your heirs if you don't have a will and don't provide for any tax avoidance methods. Both federal and state governments may impose taxes on the transfer of your property, and a tax may also be imposed on the property distributed to your heirs. For these reasons, and many more, it's important to contact your Dworken & Bernstein attorney for more information.

## Practice Makes Perfect

**Irving Rosner**  
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After earning a distinguished academic record, Irv was retained as a lead litigator by the United States Department of Justice, Antitrust Division, in Washington D.C. He served as a federal prosecutor and was involved with very complex, corporate criminal cases as well as overseeing high-profile business mergers. This experience, along with a strong business background prepared Irv for how he approaches all of his cases today. He'll tell you that in order to win, you have to "get the details, and know your case better than the other guy."

Once in private practice, Irv had the opportunity to be involved in workers' comp and personal injury cases and uses his creativity and penchant for detail to be a leader in this area of law. As a top litigator for the firm, Irv knows that being highly prepared for the courtroom is the first step to winning his cases.

Dworken & Bernstein, Co. LPA, is a full-service law firm offering creative solutions for individual and business legal needs. For more information, visit [www.dworkenlaw.com](http://www.dworkenlaw.com) or call 800-206-5835.



The screenshot shows the website header with the firm's logo, contact number (1.877.299.7708), and the tagline "AGGRESSIVE | CREATIVE | SUCCESSFUL". A navigation menu includes links for Firm Overview, History, Practice Areas, Attorneys, Resources, Contact Us, and News. The main content area features the heading "Covering All Your Legal Needs" and a description of the firm's services. Three icons represent "AREAS OF PRACTICE", "ATTORNEYS", and "OHIO LAWYERS GIVE BACK COMMITMENT TO COMMUNITY".

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## Personal Injury Law

Kristen M. Kraus, Esq.

# Q&A

**Q:** My child was assaulted by another child, sustained serious injuries and needed to be treated at the hospital. Is there anything that can be done to hold this child or the child's parents accountable?

**A:** If a child intentionally injures another, the child is likely to face punishment for his or her actions through the juvenile court. There are some instances where a minor may be treated as an adult, but most likely the juvenile court will have jurisdiction over the child.

However, the child victim's parents may also file a lawsuit against the parents of the child who caused the assault to recover compensatory damages. Unfortunately, the law sets limits on the amount of compensatory damages which can be recovered. The analysis is very fact-intensive and complex; therefore, it is best to consult with an attorney.

**Q:** My child is being bullied at school. I have called the school but I do not think they are going to do anything about it. Should I hire a lawyer? Can I sue the school? Can I sue the bully or his family?

**A:** Bullying is a sad reality that occurs in many schools. We frequently receive phone calls from concerned parents

whose children have been the victim of some type of bullying. The parents who contact us usually feel that by hiring an attorney, they will be taken more seriously. Unfortunately, hiring an attorney should probably be the last resort. It is highly unlikely that the school would have any liability to the child victim or the child victim's family for the actions of a bully. Likewise, hiring an attorney to sue the bully or his family is also not the recommended course of action.

When we receive these types of calls, we encourage the parents of the child victim to go through the proper channels at school. This could include talking to the school counselor or some other school official about the problem. Many parents immediately contact the school principal and then become frustrated when they do not receive a prompt return phone call. It is important to remember that the school principal has many responsibilities and may not necessarily be the best person to address issues of school bullying.

Many schools have student handbooks which contain written policies addressing this issue. These policies will often define what constitutes bullying, list the individuals to whom complaints should be made, describe the procedure for investigating such complaints and describe the disciplinary or corrective action which may be taken.