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The Nebraska Rules of Professional Conduct for attorneys require the following statement on newsletters of law firms:
This is an advertisement.

Attorney Spotlight



Robert M. Scharz Joins AK&C



Robert M. Scharz

Abrahams Kaslow & Cassman LLP is pleased to announce Robert M. Scharz has joined the firm.

Mr. Scharz will focus his practice on Medical Malpractice Defense, Insurance Defense and Personal Injury. Mr. Scharz obtained his Bachelor of Science in Business Administration from the University of Nebraska at Omaha in 1990 with an emphasis in accounting.

After obtaining his Juris Doctor from Creighton University School of Law in 1993, he became an Assistant

Douglas County Public Defender where, over the next five years, he gained significant trial experience.

In 1998, Mr. Scharz entered private practice where he has continued as a litigator. He is currently a member of the Omaha and Nebraska State Bar Associations, the American Bar Association, the Medical Liability Section of the Defense Research Institute, the Nebraska Defense Counsel Association and the Nebraska Criminal Defense Attorneys Association.



Legal Perspectives

from Abrahams Kaslow & Cassman LLP

To Buy or Not to Buy, That is the Question

by Christian R. Blunk

Now might be the perfect time to buy your first home or even a retirement townhome in your favorite warm weather destination. The American Recovery and Reinvestment Act of 2009 authorizes, as an incentive, a tax credit of up to \$8,000 for qualified first-time home buyers purchasing a principal residence during the 2009 calendar year. Combine the tax credit with mortgage interest rates remaining near all time lows, and you have a rare opportunity if you qualify. The rules are fairly straight-forward.

All homes, townhomes or condominiums qualify providing the home will be used as a principal residence. Buyers have to own the home for at least three years to capitalize on the credit. If the home is sold before then, the credit will have to be returned, barring exceptions in certain cases such as death or divorce.

The IRS defines first-time homebuyer as a buyer who has not owned a principal residence during the three-year period prior to the purchase. Ownership of a vacation home or rental property not used as a principal residence does not disqualify a buyer. Single buyers need a modified adjusted gross income of \$75,000 or less and married couples \$150,000 or less to qualify for the full credit. For a married couple, the law applies

to the homeownership history of the buyer and his/her spouse. Those earning above these thresholds may be eligible for a reduced credit. The tax credit is equal to 10 percent of the home's purchase price up to a maximum of \$8,000. The credit is refundable, meaning if you pay less than \$8,000 in federal income taxes, the government will write you a check for the difference. For example, if you are due to receive a \$1,000 tax refund, with the tax credit your refund would grow to \$9,000. It is a true credit, and does not have to be repaid.

Participating in the program is easy. A buyer simply needs to claim the tax credit on his or her tax return. Home buyers should complete IRS Form 5405 to determine their tax credit amount and claim that amount on Line 69 of their 1040 income tax return. No other applications or forms are required, and no pre-approval is necessary.

If you have any questions regarding the buying or selling of real estate, please contact one of our real estate attorneys at 392-1250. We will be happy to assist you.



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Contact Us!

Let us know what you would like to see in our newsletter. Email your questions or comments to dwatson@akclaw.com.

Business Update

How to Prevent Identity Theft *by James A. Tews*



In today's economy we are all looking to save money, reduce expenses and learn ways to be smart about our finances. One important way to be smarter about your finances is by protecting yourself from identity theft.

A person's credit history and closely related credit score can impact an individual's financial well-being, including current and future interest rates on credit card balances and the interest rates at which he or she can borrow money to purchase a home, vehicle, or other big-ticket items. This information can also affect a person's insurance premiums, job prospects, and ability to open accounts or rent an apartment.

An unfortunate misstep, such as a late payment, can lower a credit score and lead to an increase in interest rates and have other adverse effects. It can take years to repair damage to a person's credit history and score. It should go without saying that it is important to protect this information.

It can be challenging for a person to improve his or her credit history and score. Circumstances can be made much worse if a thief obtains and uses the personal identification information of another for gain. This is often referred to as identity theft and it can leave the victim in temporary financial ruin. I was involved several years ago with a client who had his social security number, birth date, and other personal identification information stolen, which was then used to open several credit card accounts and a cell phone account in the client's

name. The identity thief did not pay any of the bills incurred while using the client's identity and by the time the client realized what happened, severe damage had already occurred to his credit score. It can take an incredible amount of time and resources to repair the devastation left behind by an identity thief. The importance of protecting your personal identification information from misuse, cannot be stressed enough.

There are many simple steps that can be taken to protect your personal identification information, such as shredding documents that include sensitive information and being cautious about to whom you provide this information. The Nebraska legislature also added another tool in 2007 when it enacted the Credit Report Protection Act, which allows individuals to "freeze" their consumer credit information possessed by credit reporting agencies such as Experian, Trans Union, and Equifax. In summary, a "freeze" of a person's credit information at a credit reporting agency prevents the agency from releasing this information, in connection with extending credit, without the person's consent.

For example, assume that Martin places a freeze on his credit information at Equifax. Bad News Bob thereafter attempts to assume Martin's identity by providing Martin's personal information to a bank for purposes of obtaining a loan. If the bank tries to obtain Martin's credit history and score from Equifax for use in determining whether to make the loan, the bank should be denied this information

because it is frozen, which in-turn should cause the bank to deny the loan to Bad News Bob.

Individuals can place a "freeze" on their credit history with a credit reporting agency for a relatively small cost by sending a written request to the agency by certified mail. The following internet link to ConsumersUnion.org explains many of the Nebraska-specific details about freezing an individual's credit information, including sample letters to credit reporting agencies: <http://www.consumersunion.org/pdf/security/securityNE.pdf>.

The following internet link contains information about the laws of other states concerning credit freezes: http://www.consumersunion.org/campaigns/learn_more/003484indiv.html.

Finally, both the Nebraska Attorney General and the Federal Trade Commission have information available about preventing identity theft and, if it happens to you, correcting the damage caused by an identity thief.

Nebraska's Credit Report Protection Act provides a useful tool for preventing identity theft. However, "freezing" your credit history likely is not a fool-proof way to prevent identity theft and you should remain vigilant about protecting your credit history and personal information.

Employment Law Update

Caregivers in the Workplace - 2009 EEOC Best Practices

In 2007, the Equal Employment Opportunity Commission (EEOC) issued a guidance entitled "Unlawful Disparate Treatment of Workers with Caregiving Responsibilities." The purpose of the document was to assist employers, employees and agency investigators in assessing whether a particular employment decision affecting a caregiver might unlawfully discriminate under Title VII or the ADA. In April 2009, the EEOC issued a supplement to the earlier guidance entitled "Employer Best Practices for Workers with Caregiving Responsibilities" which provides suggestions for best practices employers may adopt to reduce the chance of EEO violations against caregivers, and to remove barriers to equal employment opportunity.

The EEOC has recognized that changing workplace demographics, including women's increased participation in the labor force, have created the potential for greater

discrimination against working parents and others with caregiving responsibilities. The 2007 guidance caught the attention of President Obama who commented in his 2008 campaign literature that he would commit the government to enforcing the EEOC caregiver guidelines.

Despite issuance of the 2007 guidance and the 2009 supplement, caregivers are not a new federally protected group. The EEOC has specifically noted in its literature that federal EEO statutes do not prohibit discrimination based solely on parental or other caregiver status. Under federal and state laws, discrimination must typically be based upon characteristics such as race, sex, religion or national origin. Caregivers, however, may have certain rights under federal laws such as Title VII of the Civil Rights Act, the Pregnancy Discrimination Act, the Equal Pay Act, the Fair Pay Act of 2009, the ADA, the FMLA, as well as

under similar state laws.

In its Best Practices document, the EEOC provides detailed information explaining how employers can comply with its recommendations to do such things as: (1) Develop, disseminate, and enforce a strong EEO policy; (2) train managers and supervisors about the law that may impact treatment of caregivers at work; (3) implement specific caregiver-friendly practices in recruitment, hiring and promotion and (4) ensuring equal opportunity in the terms, conditions and privileges of employment. The Best Practices document is available online at www.eeoc.gov/policy/docs/caregiver-best-practices.html.

If you have any questions about the EEOC best practices, please contact one of our employment law attorneys at 402-392-1250.

TOP RANKED
CHAMBERS
USA
2009

Abrahams Kaslow & Cassman LLP Receives Recognition from Chambers USA

Our firm received high rankings in Nebraska for Corporate/Commercial law in Chambers USA 2009. AK&C

attorneys Howard J. Kaslow and John W. Herdzina received individual recognition in the areas of Corporate/Commercial and Harvey B. Cooper was recognized for Labor & Employment.

To arrive at the rankings, London-based Chambers & Partners, Legal Publishers conducted more than 10,000

interviews with clients and attorneys across the nation. Chambers ranks firms by state. The qualities on which rankings are assessed include technical legal ability, professional conduct, client service, commercial astuteness, diligence, commitment, and other qualities most valued by the client.

We are honored to have received recognition from Chambers again this year. To view the comments about our attorneys visit <http://www.chambersandpartners.com>.