

# Ask a Lawyer

By Steven Leskin

**Q~** I have intolerable pain in my back. I have shooting pain down into my legs. Pain killers do not work. My doctor says that it is not operable. I work with the pain because I have to support myself. Can I apply for Social Security Disability?

**A~** Social Security's definition of "disabled" is a medically verifiable impairment that prevents you from working for one year or longer. In your case, I presume that you have a herniated disk in your spine. I assume also that you have had an MRI which shows the damaged vertebrae. The MRI would constitute a medically verifiable impairment. However, the issue in your case is that you continue to work. The impairment must prevent you from working for one year or longer.

I assume that the pain is a constant distraction and that you are not able to focus or concentrate on your work, that you need to move around to accommodate the pain, that you have difficult working with co-workers or customers when you are in pain, that there are side effects to your medications, that your ability to stand, sit and lift are all impaired.

Despite these limitations, it is very difficult to obtain Social Security Disability while you are working. You will need to be out of work, or able to prove that you cannot work, for one year. If you are presently working, that is very difficult to do. And, even if you quit your work and apply, there is no guarantee that you will prevail and receive benefits.

There are several things you should do before making a decision about giving up your work and pursuing Social Security benefits. You should become familiar with the Social Security website. You can find it at [www.SSA.gov](http://www.SSA.gov). Secondly, you should go to your local Social Security office so they can pull up your Social Security account, and discuss your options. And, finally, contact an attorney experienced in this area of law to help with your planning.

**Q~** What is the purpose of a Grand Jury?

**A~** The purpose of a Grand Jury is to determine if there is enough evidence

to charge a person with a crime. But, it's not that simple.

A person is charged with a crime when the District Attorney files a "Complaint" or an "Information." These are both called "charging instruments." The District Attorney must have a factual basis for filing the charging instrument. The factual basis can come in the form of a sworn affidavit, a police report, or a grand jury indictment.

If a police officer witnesses a crime, the officer will complete a police report. The officer is the witness. His report will (or should) contain all of the necessary elements to prove the crime. The district attorney can sign a charging instrument based on the police officers direct observations.

However, suppose the police officer does not witness the actual crime, as in a drug smuggling operation or a crime involving financial fraud. If this is the case, the District Attorney can impanel a grand jury and subpoena witnesses. The various witnesses will testify about what they know. The grand jury can then issue a grand jury indictment.

The Grand Jury will only hear evidence to prove that the crime happened. Its concern is whether there is enough evidence to charge the defendant with the crime. The Grand Jury will not hear possible legal defenses to the crime. If there are legal defenses, they can be raised later at trial.

**Q~** What is meant by "stare decisis"?

**A~** Stare decisis derives from Latin and roughly means "do not disturb what has not been disturbed" Well, close enough. I've never been good at Latin, but that's what Wikipedia says.

Regardless of the translation, Stare Decisis is the basis for the American legal systems in most jurisdictions. It's the principle that a prior ruling by a court governs the outcome of future court rulings. It's the principal that is supposed to give rationality and predictability to the legal system.

When lawyers argue cases, after the facts have been established, they will research past appellate court decisions in their jurisdiction. The appellate courts are courts of record. They do not receive evidence. But, they issue written decisions. Those written decisions form the basis of Stare Decisis.

Lawyers will attempt to find cases which most similarly match the facts in their present case, and argue, if its a favorable case, that the appellate court decision should control the current trial court outcome. The opposing attorney will attempt to argue away the differences by finding significant differences in the fact situation in the appellate court decision. If the facts in the prior case match, then the trial court judge is bound to apply the decision of the prior case to the current case.


In practice, Stare Decisis works pretty well. However, in certain areas of law, there may be conflicting appeals cases or a lot of appeals cases to choose from. For example, there are many, many cases dealing with the appropriate amount of spousal support to award in a divorce case. While the general prin-

ciples are well supported by consistency, how these get applied in specific cases varies significantly. It is the job of the attorney to find the best case for his client and argue that this is the case which the trial court should follow

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Vernonia's Voice is published on the 1st and 3rd Thursday. Our next issue will be out June 19th.


**Next Vernonia Area Chamber of Commerce Meeting**  
will be held at  
**West Oregon Electric**  
652 Rose Avenue  
**Tuesday, June 11 at 6:30 PM**



**Vernonia Area Chamber of Commerce**

FORM LB-1 NOTICE OF BUDGET HEARING			
A public meeting of the Vernonia City Council will be held on June 16, 2014 at 7:00 pm at 1001 Bridge St Vernonia, Oregon. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2014 as approved by the City of Vernonia Budget Committee. A summary of the budget is presented below. A copy of the budget may be inspected or obtained at 1001 Bridge St Vernonia, Oregon between the hours of 9am and 5pm. This budget is for an annual budget period. This budget was prepared on a basis of accounting this is the same as used the preceding year. If different, the major changes and their effect on the budget are:			
Contact: Angie Handegard		Telephone: 503-429-5291 Email: <a href="mailto:financial@vernonia-or.gov">financial@vernonia-or.gov</a>	
FINANCIAL SUMMARY - RESOURCES			
TOTAL OF ALL FUNDS	Actual Amount 2012-2013	Adopted Budget This Year 2013-2014	Approved Budget Next Year 2014-2015
Beginning Fund Balance/Net Working Capital	769,102	934,378	1,235,927
Fees, Licenses, Permits, Fines, Assessments & Other Service Charges	227,466	165,775	223,178
Federal, State and all Other Grants, Gifts, Allocations and Donations	1,060,054	406,500	125,921
Revenue from Bonds and Other Debt	48,661	3,000,000	3,000,000
Interfund Transfers / Internal Service Reimbursements	269,377	953,860	107,174
All Other Resources Except Current Year Property Taxes	1,665,355	1,769,628	1,729,771
Current Year Property Taxes Estimated to be Received	639,287	610,000	580,000
<b>Total Resources</b>	<b>4,679,302</b>	<b>7,840,141</b>	<b>7,001,971</b>
FINANCIAL SUMMARY - REQUIREMENTS BY OBJECT CLASSIFICATION			
Personnel Services	1,071,879	1,048,091	973,909
Materials and Services	1,439,258	4,210,401	3,946,485
Capital Outlay	0	0	0
Debt Service	541,083	626,530	581,589
Interfund Transfers	269,377	953,860	107,174
Contingencies	383,006	407,651	538,629
Special Payments	0	0	0
Unappropriated Ending Balance and Reserved for Future Expenditure	2,600	593,608	854,185
<b>Total Requirements</b>	<b>3,707,203</b>	<b>7,840,141</b>	<b>7,001,971</b>
FINANCIAL SUMMARY - REQUIREMENTS AND FULL-TIME EQUIVALENT EMPLOYEES (FTE) BY ORGANIZATIONAL UNIT OR PROGRAM *			
Name of Organizational Unit or Program	FTE for that unit or program		
General Administrative	441,059	488,464	398,022
FTE 1.8	1.8	1.4	1.8
Library	90,305	91,869	91,909
FTE 1.4	1.5	1.3	1.4
Police	456,150	463,042	417,449
FTE 3.5	4.0	4.0	3.5
Airport	3,939	6,650	4,459
FTE 0	0.0	0.0	0.0
Building	43,419	27,440	0
FTE 0	0.2	0.2	0.0
Cemetery	17,368	24,000	24,641
FTE .2	0.0	0.2	0.2
Vernonia Community Learning Center	7,671	8,422	7,240
FTE .03	0.0	0.0	0.0
Parks	90,050	257,600	285,311
FTE .3	1.5	0.8	0.3
Water	522,249	571,800	430,681
FTE 2.8	3.0	3.2	2.8
Sewer	905,160	624,000	386,355
FTE 2	2.4	2.8	2.0
Streets	110,944	137,000	172,369
FTE .4	0.6	0.7	0.4
Parks SDC	20,787	10,621	10,931
FTE 0	0.0	0.0	0.0
Water SDC	16,951	97,761	110,880
FTE 0	0.0	0.0	0.0
Sewer SDC	26,855	119,562	122,844
FTE 0	0.0	0.0	0.0
Sewer Rehab	515,635	3,044,950	3,068,240
FTE .35	0.0	0.0	0.4
Storm SDC	6,400	36,629	36,006
FTE 0	0.0	0.0	0.0
Street SDC	4,400	15,637	18,859
FTE 0	0.0	0.0	0.0
Reserve Fund	80,000	583,756	138,000
FTE 0	0.0	0.0	0.0
Debt Service Fund	0.0	1,105,938	1,297,775
FTE 0	0.0	0.0	0.0
CDBG Fund	300,403	0	0
FTE 0	0.0	0.0	0.0
Vernonia Prevention Coalition	127,457	125,000	0
FTE 0	1.0	1.0	0.0
Not Allocated to Organizational Unit or Program			
FTE			
<b>Total Requirements</b>			
<b>Total FTE 12.78</b>			
STATEMENT OF CHANGES IN ACTIVITIES and SOURCES OF FINANCING *			
PROPERTY TAX LEVIES			
	Rate or Amount Imposed 2013-2014	Rate or Amount Imposed This Year 2013-2014	Rate or Amount Approved Next Year 2014-2015
Permanent Rate Levy (rate limit 5.8163 per \$1,000)	5.8163	5.8163	5.8163
Local Option Levy			
Levy For General Obligation Bonds			
STATEMENT OF INDEBTEDNESS			
LONG TERM DEBT	Estimated Debt Outstanding on July 1,	Estimated Debt Authorized, But Not Incurred on July 1	
General Obligation Bonds			
Other Bonds	\$2,300,537		
Other Borrowings	\$4,605,952	\$5,000,000	
<b>Total</b>	<b>\$6,906,489</b>	<b>\$5,000,000</b>	

**TOO BUSY?**  
Call your LOCAL bookkeeper



**Edi Sheldon 503-429-1819**  
[edisheldon@gmail.com](mailto:edisheldon@gmail.com)

Licensed tax consultant • Full service payroll  
Personal & small business bookkeeping • QuickBooks assistance  
CORPS, S-CORPS, LLC, Partnerships • Personal one-on-one service

LTC #29629 - Oregon licensed tax consultant  
RTRP #P00448199 - designated as a registered tax return preparer by the Internal Revenue Service  
The IRS does not endorse any particular individual tax return preparer. For more information on tax return preparers, go to [www.IRS.gov](http://www.IRS.gov).