

BALINT'S BULLETIN

CLIENT LAW UPDATE

Issue 83

September 2017



WE'VE MOVED!!!

After 36 years in the 6th and Lenora Building we have finally moved! With all of the nasty traffic, road closures, construction projects, and parking problems we finally decided to move out of downtown and into the more accessible Georgetown area of Seattle. As of September 1, 2017 our new office is 5950 6th Avenue South, Seattle, WA 98108, Suite 200. There is easy access to the building from I-5, Highway 99, 4th Avenue South and Airport Way. There is also plenty of free on-street parking. Please take a moment to update your address book. The contact information, phones, fax and email, will remain the same. You are invited to call and see our new facilities once we are settled.

Child Car Seats Save Lives

Losing a child has got to be the biggest nightmare for parents. I have had several child wrongful death cases. They are gut wrenching. Parental guilt often accompanies these cases. Keeping families together following such a tragedy is a challenge. Sometimes there is nothing one can do to guarantee protection for children in a car crash. There are some safety practices I urge on all parents. The American Academy of Pediatrics has guidelines for car seats and booster seats. Several studies have found that young children, especially those under 2 years old, are 75% light less likely to suffer death or severe injuries if they are restrained in a rear facing car seat. I have read that the ambulance people arriving at the

scene of a severe collision call these rear facing seats "orphan seats." Why? Because in a severe crash of a rear facing car seat results in that child sometimes being the only survivor. The newer rear facing car seats have weight limits closer to 30 to 45 pounds. Some countries that have much lower fatality rates for children under 6 mandate that children be in a rear facing seat until age 4. The Academy also issued guidelines that children older than 4 years old ride in a belt positioned booster seat until they are at least 4'9" tall and 8 to 12 years old. And, of course children of all ages should ride in the back seat not in the front passenger seat. Sometimes kids in rear facing seats or later and booster seats complain about discomfort and about their images with their friends. Ignore their complaints. Their lives and safety are at stake.

Parking in Seattle

There is never enough parking in Seattle. Knowledge of the law is power so here are the rules in Seattle. Unless posted otherwise, every on-street parking space in Seattle is subject to a 72-hour parking limit. So even if there are no other posted restrictions, you really shouldn't ever leave your car for a couple days without checking on it. Just because you live there, you don't have the right to park longer than 72 hours. Although some people may not use their vehicles on a regular basis (and therefore leave them parked on the street), the cars still have to be moved to a different block every 72 hours. You must comply with all posted signs, including temporary parking restrictions, which go into effect after 24 hours' notice. Nevertheless, if you do

live in some residential areas, you can apply for a specific parking pass. You also can't move your car a small distance ahead, or shift it a couple inches to keep a parking spot. Furthermore, you can't get a longer parking pass at a different pay station and then move your car to an area with a shorter parking limit. The city ordinance says (SMC: 11.72.240): "Moving Vehicle to Avoid Time Limit. No person shall move and repark a vehicle on either side of a street within the same block in order to avoid a parking time limit regulation specified for either side of the street in that particular block." Another city law provides (SMC: 11.76.015): "Parking Violations at Parking Payment Devices...Any payment made by mobile device is not valid if issued for a different area than the one containing the occupied space or with different parking time limits than that applicable to the occupied space." Seattle Parking Enforcement is also likely going to shift from chalk sticks that mark your tires to Autochalk, which scans vehicles with digital cameras, lasers, and GPS to identify violators. In many cities offi-

INSIDE THIS ISSUE

WE'VE MOVED!!!	1
Child Car Seats Save Lives	1
Parking in Seattle	1
Insurance Company Loyalty	2
Seattle Tap Water v. Bottled Water	2
Education and Voting	2
Drug Deaths	3
Book Review-Cancer, The Emperor of All M.	3
Smoking Ads	3
Noah's Ark—Circa 2017	4
Quote on the Month	4

This newsletter reports on news and developments in the law. It is offered as a service to our clients and readers and is not a substitute for legal advice.

cers can collect full data while driving past parked cars at up to 30 mph, enabling police to make more passes through parking zones to find violators and also find stolen cars that have been parked. In some cities is it illegal to wipe chalk marks made by parking cops. There is no such specific municipal code for Seattle making it unlawful to remove a parking enforcement mark, although other versions of that rule exist in Sumner, Port Orchard, Walla Walla and many cities in California. One further note, please report any strange car parked on your street without moving for several days. It could be stolen and the owner (and the owner's insurance company) would be grateful for its recovery.

Insurance Company Loyalty

Are you loyal to your automobile insurance Company? Many of us are. We develop a personal relationship with the insurance agent and we get nice promotional literature. We like the television advertising slogan. We like the way that they dealt with our property damage claim. So here's what makes me left cynically when a personal injury client is having trouble with their insurance company to settle their personal injury claim. They will say something like this: "I have been a loyal customer of XYZ insurance company for 25 years. I have never made a claim. How can they treat me like this? I am going to call a supervisor or someone higher up in the company and I'm sure that they will report to award my loyalty by treating me more fairly." The reason I laugh is the insurance companies have zero, and I mean zero loyalty to any of their customers when a personal injury claim is made. The fact that you have been a customer for an extended period of time and the XYZ has made a tremendous amount of profit off of your premiums carries no weight whatsoever. They have exact methods to squeeze every penny out of that any value of your personal injury claim, especially if you do not have legal representation. So

what is the solution? I suggest the solution be that you recognize your loyalty is based on faulty reasoning and that you periodically shop around for better coverage at law or rates. XYZ will not even notice that you've gone. Oh, one more thing. Don't buy insurance from Allstate, State Farm or American National Property and Casualty (ANPAC). If you have any of them switch immediately in run for the hills if you don't.

Seattle Tap Water v. Bottled Water

In response to my article about the absurdity of buying bottled water, Dr. Fred Quarnstrom, a prominent dentist, emailed this letter to the editor (me): when I moved to Seattle, as a college student, I worked as a fire lookout and fireguard in the Cedar River watershed. We were there to prevent and fight any forest fires that might happen. This is the valley south of the Snoqualmie pass valley. It has a lake that is about 15 miles long and close to a mile wide. The whole valley is fenced. There is no hiking, camping, hunting or fishing allowed. Even logging is not allowed. The whole valley is closed to the public and has been since it set aside for our water supply over 100 years ago. Seattle has one other source of water the, Tolt River, valley, reservoir complex that is equally protected. Our water is so pure you can put it in your car battery, steam iron or autoclave (if you have one). A small amount of chlorine is added due to federal law to kill any bacteria that might be in the water. From a microbiological standpoint, it is so pure this is not necessary, but is required by federal law. This addition of chlorine is very important in Yakima because of the bacteria in the Yakima River. We also add a few parts per billion of fluoride. This is about 1 drop in a 60' by 20' swimming pool. This started in the 1960s. When I started

practicing in Seattle in 1967, half of what I did was fill kids' teeth due to decay. These kids' teeth had developed without the protection of fluoride. I have not done a filling on a child in the last 2 years and that child was an immigrant who did not grow up in Seattle. Fluoride works and has not harmed anyone in Seattle, or any other city that adds it to their water. Fluoride is natural in the water in some towns in the Rockies. This is where the anti-decay effect was discovered. Tooth enamel that develops with very small amounts of fluoride is much stronger than teeth that did not have the fluoride. The fluorides we place on teeth and that is in toothpaste only effects the very outer surface of the teeth. This helps but is not as effective as having fluoride in all of the tooth structures as happens with our water. These teeth enamels start developing while the child is still in the womb. Even the permanent teeth are starting to form prior to birth; long before they start coming into the mouth at age 5 or 6."

Education and Voting

There are 435 congressional districts in the United States which means, of course, that there are 435 congressmen in the House of Representatives. Each district contains about 710,000 people. There are only 15 districts in the entire United States where at least half the eligible voters have a college degree. The most educated district is Manhattan and Queens, New York, where 69% of the adults have at least a bachelor's degree. California has 5 districts where over half the people have at least a bachelor's degree. Washington's 7th congressional district is tied for number 6 on that short list with 56% of the people having a college degree. Of those 15 districts only one gave a majority vote to President Donald Trump and that was by the close margin of 1.5%. Overall that district, George's 6 congressional district, comprising the north Atlanta, is tied with our district. That Georgia are has

elected a Republican to Congress every two years since the 1970s. Newt Gingrich was from there. It also was the district that elected Tom Price to Congress in the last election. When he became President Trump's Secretary of Health, they had to hold a special election on June 20, 2017. This was the most expensive congressional contest in history. All the chips have not yet been counted but it looks like over \$55 million will be spent. That figure is more than was spent in the presidential elections of 1960, 1964 and 1968! The winner by a close margin was the Republican. Interpret this as you will, but overall in United States the more educated you are the more likely you are not going to support a Republican for national office.

Drug Deaths

So you thought guns and cars were a serious health threat? You are correct, but you missed one. The leading cause of death in the United States now for people under 50 years old is drug overdoses. The vast majority of these are prescription drugs and a large percentage of those are opioid drugs. And it is getting worse. In 2015 the Center for disease control estimates that about 52,500 people died of drug overdoses. The final figures are not in for 2016 yet but it looks like the death toll will exceed 59,000 people. The current year is seeing an increase. To put this in prospective, death by firearm and death by car have rates running neck and neck at about 32,000 living and breathing people a year. This is one reason I become incensed when I see one of the commercials on TV or in magazines for various drugs, most of which are expensive. The drug companies are very good at being drug dealers and drug pushers. What's the difference if they do it on TV or if someone does it in a bar or street corner? I also blame the medical practitioners for being so weak willed that they give in to patients asking for the latest miracle drug they saw advertised on television. Proximally 98,000 people die

every year at the hands of doctors negligence. If you add medical culpability for the willy-nilly opioid prescription crisis, the medical profession is in dire need of reformation.

Book Review—Cancer, The Emperor of All Maladies

This book is subtitled "A Biography of Cancer." In the United States one 3rd of all women and one half of all men will develop some form of cancer during their lifetime. Over 600,000 people die in this country of cancer every year. If you want to understand this "emperor of all maladies" this book is a must read. It is eminently readable and won the Pulitzer Prize for its author, Siddhartha Mukherjee. In great detail and step-by-step the book takes is through the centuries and down to nearly the present time of the scientific understanding of cancers in all of their forms. It is intriguing nonfiction Detective story. The doctors and scientists and biologists are the detectives and the huge variety of cancers are the killers and people are the victims. No one is immune. There are cancers that primarily affect young children, others that effect mostly particular athletic groups, others that attack certain workers and many forms that stalk the elderly. Some are fast and some are slow. They now know that some forms can be minimized by avoiding certain environments and certain habits such as smoking, exposure to asbestos and overexposure to the sun among many. Other Streich without warning and with no known history whether that history is in the family genetics or lifestyle or habits. There is a terrifying randomness to it. Some people who spoke to not develop lung cancer and others who never touched a cigarette or exposed to secondhand smoke develop it. This book particularly touched me having survived so far a nasty form of non-Hodgkin's some form a and the precancer of the skin. There have in some successes in the fight against

some cancers but many remain mysterious and resistant to any currently available tools. A huge part of the problem is that even when scientists develop successful attacks on some form of cancer, they still don't understand the basic biology of cancer development. This book would give a reader a deep understanding of cancer, all the better to minimize the risk of it and the better to understand dealing with it if it develops.

Smoking Ads

One of the most interesting stories in "The Emperor of All Maladies" is the story of how cigarette advertising basically disappeared from television advertising. [Missing detail] one of the few successes against big tobacco was eliminating cigarette as from television advertising. Obviously we have freedom of press in this country so how did cigarette advertising get eliminated? Originally was, if you can believe this "voluntary." But how did this happen? The FCC was empowered since 1949 to regulate the airwaves based on the fundamental proposition that the airwaves are a public resource. That year the fairness doctrine was enacted by Congress to make sure that on controversial issues television stations would be required to air opposing views. By the mid-50s the link between lung cancer and cigarette smoking was becoming more obvious even through the thick fog of this information generated by the tobacco industry. The industry responded by putting filters on its cigarettes and promoting them as safer even though there was no scientific basis for the claim. Enterprising lawyer sued a television station for the rights to air the contrary views that cigarette smoking, even with filters, was not in anywhere near "safe." A massive court battle ensued with the court siding with the plaintiff. Soon graphic and detailed ads began appearing on television describing in scientific and personal terms the awful effects of smoking and of lung cancer. So how did the industry stop these ads? Obviously, by withdrawing all

television advertising. If there were no ads in TV there could be no free information given to the public about the dangers of smoking. The last Virginia's Slims ad aired on January 1, 1971.

Noah's Ark—Circa 2017

In the year 2017, the Lord came unto Noah, who was now living in America and said: "Once again, the earth has become wicked and over-populated, and I see the end of all flesh before me. Build a new ark and save 2 of every living thing along with a few good humans." He gave Noah the blueprints, saying: "You have 6 months to build the ark before I will start unending rain for 40 days and 40 nights."

Six months later, the Lord looked down and saw Noah weeping in his yard - but no ark. "Noah!, He roared, "I'm about to start the rain! Where is the ark?" "Forgive me, Lord," begged Noah, "but things have changed. I needed a building permit. I've been arguing with the boat inspector about the need for a sprinkler system. My neighbors claim that I've violated the neighborhood by-laws by building the ark in my back yard and exceeding the height limitations. We had to go to the local Planning Committee for a waiver. Then the local Council and the electric company demanded a pile of money for the future costs of moving power lines and other overhead obstructions,

to clear the passage for the ark's move to the sea. I told them that the sea would be coming to us, but they would hear none of it. Getting the wood was another problem. There's a ban on cutting local trees in order to save the Greater Spotted Barn Owl. I tried to convince the environmentalists that I needed the wood to save the owls - but no go! When I started gathering the animals the ASPCA took me to court. They insisted that I was confining wild animals against their will. They argued the accommodations were too restrictive and it was cruel and inhumane to put so many animals in a confined space. Then the Environmental Protection Agency ruled that I couldn't build the ark until they'd conducted an environmental impact study on your proposed flood. I'm still trying to resolve a complaint with the Human Rights Commission on how many minorities I'm supposed to hire for my building crew. The Immigration Department is checking the visa status of most of the people who want to work. The trade unions say I can't use my sons. They insist I have to hire only Union workers with ark-building experience. To make matters worse, the IRS seized all my assets, claiming I'm trying to leave the country illegally with endan-

gered species. So, forgive me, Lord, but it would take at least 10 years more for me to finish this ark."

Suddenly the skies cleared, the sun began to shine, and a rainbow stretched across the sky. Noah looked up in wonder and asked, "You mean you're not going to destroy the world?" "No," said the Lord. "The Government beat me to it."

Quote of the Month

One of my favorite all-time authors is Arthur C. Clark who died in 2008. He was known for his pithy aphorisms such as the following: "Before you become too entranced with gorgeous gadgets and mesmerizing video displays, let me remind you that information is not knowledge, knowledge is not wisdom, and wisdom is not foresight. Each grows out of the other, and we need them all."

CONTACT INFORMATION

Call us at 206-728-7799
or fax us at 206-728-2729
dbalint@balintl.com
bholscher@balintl.com
don.horowitz@gmail.com
David's Cell/Message: 206-947-7988
Website: www.balintl.com

BALINT & ASSOCIATES, P.L.L.C.
ATTORNEYS AT LAW
5950 6TH AVE SOUTH, SUITE 200
SEATTLE, WA 98108

Return service requested

BALINT'S BULLETIN

WE'VE MOVED!!!	1
Child Car Seats Save Lives	1
Parking in Seattle	1
Insurance Company Loyalty	2
Seattle Tap Water v. Bottled Water	2
Education and Voting	2
Drug Deaths	3
Book Review-Cancer, The Emperor of All M.	3
Smoking Ads	3
Noah's Ark—Circa 2017	4
Quote on the Month	4