

BALINT'S BULLETIN

CLIENT LAW UPDATE

Issue 92

February 2020



Traffic Costs—Wasted Time

I wish that the politicians who run our city would spend more time on immediate issues that affect us, like the conditions of our roads and traffic congestion. Some of our politicians think that because they are elected to some city office, they should spend time passing resolutions regarding international affairs or national issues. Yet the average American spends 50 hours in traffic every year. This translates into a total of about 8 billion hours nationally! 7% of that time is spent waiting for lights to change. What is wrong with the city of Seattle that traffic lights are not all equipped with traffic sensors? Sitting in traffic with all those wasted hours also wastes gas and therefore increases air pollution and carbon dioxide emissions. Cars that idle at intersections accumulate large doses of harmful particulates. One study found that idling at an intersection with open windows exposes the occupants of the car to 6 times the harmful particulates than for a pedestrian standing at the same intersection.

Abortion Law in Washington State

The United States Supreme Court is currently considering a major case involving abortion rights, in

effect reconsidering the precedent set by the 1973 decision in *Roe v. Wade*. There are a number of possible outcomes. One possible outcome is to allow individual states more leeway in setting abortion rights. In the meantime, I thought it would be useful to summarize the law in Washington State.

In 1991, voters passed Initiative 120 which guarantees a woman's right to choose abortion before fetal viability. More recently, in January 2019 the Legislature passed a law called "Reproductive Parity Act" which requires companies that cover maternity care to also cover abortions. What does the *Roe* decision essentially provide? It holds that a woman has a fundamental right to terminate pregnancy so long as it is done "pre-viability." The definition of viability is the ability of the fetus to maintain life outside of the womb. The *Roe* decision held that states cannot restrict the right to pre-viability abortion. Post-viability abortions can be restricted except in the cases of rape, incest, or danger to maternal health. This is essentially the standard set in Washington State by Initiative 120. The *Roe* decision was based on the somewhat shaky ground of the "right to privacy." That ill-defined right—as well as the problem of defining "viability", especially with modern medicine being able to save younger and younger premature babies—has presented numerous interpretive problems.

Complicating the picture is that 36 states, including Washington, have endorsed an amendment to the U.S. Constitution guaranteeing equal rights to women. The Equal Rights Amendment is also part of Washington's constitution, which was ratified in 1972. Many states have passed highly restrictive abortion laws designed to force the Supreme Court to define the parameters of any rights of a woman to control her own health and body. That same argument, states' rights, should preserve Washington's laws. Further complicating the matter is the fact that at least 38 states, including Washington, have passed fetal homicide laws. RCW 9A.32.060 provides that: "(1) A person is guilty of manslaughter in the first degree when: ... He or she intentionally and unlawfully kills an unborn quick child by inflicting any injury upon the mother of such

INSIDE THIS ISSUE

Traffic Costs—Wasted Time	1
Abortion Law in Washington State	1
Tax Season Scams	2
Guns on Airplanes	2
Caregiver Tax	2
Swim for Your Lifel	3
Emergency Savings	3
Blessed to Be an American	3
Movie Review	4
Words of Wisdom	4
Quote of 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.

child. (2) Manslaughter in the first degree is a class A felony.”

Tax Season Scams

Tax season is here. The scammers are out in force. They are extremely sophisticated. There is a lot of information publically available about each of us so assume that the scammers already have a bunch of information about you including Social Security numbers, bank accounts, family members, etc. No matter who you are you can get defrauded. Here are some tips to avoid getting cheated. The most important thing you can do is pay attention to even the smallest details. If someone calls you pretending to be from the IRS or from the Social Security Administration, do not give them any information. The IRS or Social Security administration will never call you. Never. People are receiving calls warning that their Social Security number has been “suspended”. This could never happen. If you owe money to the IRS, any collection efforts will be preceded by numerous warning letters. So please do not respond to any telephonic or electronic threatening communications. There are a number of tax preparers who are not legitimate. If you hire someone to do your tax returns make sure that they have a “Preparer Tax Identification Number (PTIN)”. If they don’t, run. Anyone who prepares your tax return is required to sign it and provide their PTIN next to their signature. Do not use a preparer who bases your fee on a percentage of a

refund. If a tax preparer suggests that you lie about anything on your return, including income or deductions, do not use that preparer. Monitor your IRS accounts. For example, if you have a refund due there are guidelines for how long it takes to receive that refund. Mark your calendar and follow-up if it does not come within the time allotted. One of the most sophisticated scams is to file fraudulent tax returns in your name with the refund directed to a bank account not your own.



Guns on Airplanes

Strict federal laws regulate firearms on airplanes. These rules absolutely forbid bringing guns, bullets, magazines, firing pins, and clips (in other words all gun parts and related ammunition) in carry-on luggage. Even if you don’t own a gun, the rule might still apply to you and your children. It is forbidden to have gun replicas, including gun-shaped toys, in carry-on bags. What are the rules for packing guns in checked luggage? They must be unloaded and packed in a hard locked case (TSA-approved locks are recommended). Upon check-in at the counter, they must be declared and checked. Small-arms ammunition (up to .75 caliber and shotgun shells of any gauge) must be packaged in a fiber (such as cardboard), wood, plastic, or metal box specifically designed to carry ammunition and declared to your airline. Ammunition should be in

the locked gun case. Violation of these rules is subject to serious consequences, including arrest. The consequences can even be a felony if the owner doesn’t have concealed weapons permit valid in the jurisdictions involved in the travel. If a criminal charge is filed, the gun can be seized as evidence and will probably not be returned. TSA may issue a federal civil claim, like a ticket, with a \$13,000 price tag. Certainly violating these rules will subject you to more scrutiny and delays. You may be permanently red-flagged. Still, the message is not getting through to traveling gun owners. In 2019, 4,432 guns were seized at airport checkpoints—a record. More shockingly, 87% of these guns were loaded! One of those seized weapons was a missile launcher. Thankfully it was in checked luggage, not in a carry-on.

Caregiver Tax

The Washington Legislature has passed a law that imposes additional payroll taxes beginning in 2022. Proceeds will be used to build a fund so that by 2025 family members who care for destitute and disabled relatives can be paid an allowance of \$100 a day for long-term care. The payments would only be for a one-year period, but that is a lot better than the the current system, in which family members are more often than not “volunteer” providers. This innovative program may even save the state money. How? Professional in-home care is currently paid \$24,000 a year by Medicaid and nursing home care runs about \$65,000 a year. We must

do more to take care of our aging population.

Swim for Your Life!

The Pacific Northwest is a beautiful place to live, with its mountains, ocean (including Puget Sound), and numerous lakes, not the least of which is Lake Washington. One would think that because boating and swimming are such common activities, every person living here would know how to swim. But according to the Centers for Disease Control, more than a third of American adults cannot swim even 25 yards. This means they could not get to shore in the event of any boating incident. In fact, drownings among adults have been increasing in the United States. 70% of drowning victims are adults, mostly men. Adults who are afraid of water often instill their fears onto their children, passing the drowning danger from generation to generation. I advocate that no child should be able to graduate from high school without demonstrating an ability to swim; swimming should be a mandatory part of the curriculum. Short of that, I urge every parent to provide swimming lessons for their children, and to insist on wearing life vests.

Emergency Savings

During my 45 years of practicing personal-injury law, I have sometimes been disappointed in what my clients have done with compensation they have achieved by settlements or judgments. The purpose of personal injury cases is "compensation" i.e., a sum of money intended to compensate individuals for the harms that others have caused them. Many of my cases involve permanent or long-standing

injuries. I often advise clients when I send them the final disbursement check that they should be careful with the money. I urge savings accounts and, if the amounts are very large, an investment counselor. I was thinking about this when I read the recent statistics about savings in America. Chase Bank analyzed millions of accounts, and found that about two-thirds of customers lacked even savings amounting to 6 weeks of take-home pay. Many families, even ones that are higher earning, have no savings accounts at all. An AARP survey found that over half of its members did not have an emergency savings account. I recommend that every family should have a minimum of \$5000 in savings, and ideally a multiple of that. I have always paid into a pension fund for my employees in the hope that with the buildup of this account, together with Social Security, they will have some security when they retire. I also encourage "sidecar" savings accounts, in which employees can contribute their own after-tax dollars to the pension fund. Even \$100 a month can add up, especially if wisely invested. Another technique is to make sure that out of each paycheck a regular amount is stored in a savings account. Without a ready emergency fund, even a small setback in health or employment can be devastating.

Blessed to Be an American

There are at least two ways to understand how fortunate we are to be Americans in the 21st century. One is to look internally at the improvements that have been made to this country over time.

The other is to compare our standard of living to other countries and cultures. Of the 7 billion people on this planet, an estimated 5 billion do not have access to life-saving surgeries. Lack of doctors and anesthesiologists is one reason for their plight. Another is an inability to pay for necessary medical care. Those surgeries include what in America we would consider routine, such as ruptured appendixes, complicated labor, compound fractures, gallbladder infections, hernias, subdural hematomas, and other correctable conditions. This lack of access does not even take into consideration surgeries that we deem necessary, such as cataract surgery. We should appreciate the astonishing advances that have been made in just the last century. A friend, Maureen O'Hara, provided me with the following statistics from a century ago:

The average life expectancy for men was 47 years.

Only 14 percent of homes had a bathtub.

Only 8 percent of homes had a telephone.

The average U.S. wage in 1919 was 22 cents per hour.

The average U.S. worker made between \$200 and \$400 per year.

More than 95 percent of births took place at home

Ninety percent of doctors had no college education! Instead, they attended so-called medical schools, many of which were condemned in the press and the government as "substandard".

Most women washed their hair only once a month, and used Borax or egg yolks for shampoo.

The five leading causes of death were:

1. Pneumonia and influenza

2. Tuberculosis
3. Diarrhea
4. Heart disease
5. Stroke

Two out of every 10 adults couldn't read or write.

And, only 6 percent of Americans had graduated from high school.

There were very few safety-net programs. No Social Security, Medicare, Medicaid, or unemployment insurance. No Labor and Industry laws. No minimum wage nor many laws governing working conditions and worker safety. Toothpaste had just been commercialized and a huge percentage of teenagers and adults were missing all of many of their teeth.

Movie Review

I deal with health issues every day. Among other goals of this bulletin is to inform clients and friends about suggestions for staying safe and healthy. With this in mind, I strongly recommend the 2018 movie "The Game Changers" and the 2011 documentary, "Forks Over Knives." (Both are available on Netflix.) They address huge misconceptions about what constitutes a proper diet and why we are

having several of our health crises, including chronic obesity, heart disease, some cancers, high blood pressure (hypertension), arthritis, and other chronic problems. Spoiler alert: these movies will make you uncomfortable but may be a "game changer" for you.

Words of Wisdom

Someone with a closed mind often has an open mouth.

A great idea needs landing gear, not just wings.

A half-truth is closer to falsehood than to veracity. [Abba Eban]

A free society is one where it is safe to be unpopular. [Adlai Stevenson]

A man will never change his mind if he has no mind to change.

A man wrapped up in himself makes a very small package.

A mind stretched by an idea will never return to its former size.

A prosperous fool is a grievous burden. [Aeschylus]

A thief passes for a gentleman when stealing has made him rich.

[Thomas Fuller]

Age doesn't always bring wisdom. Sometimes age comes alone.

Quote of the Month

When a man unprincipled in private life, desperate in his fortune, bold in his temper, possessed of considerable talents, having the advantage of military habits — despotic in his ordinary demeanor — known to have scoffed in private at the principles of liberty — when such a man is seen to mount the hobby horse of popularity — to join in the cry of danger to liberty — to take every opportunity of embarrassing the General Government & bringing it under suspicion — to flatter and fall in with all the non-sense of the zealots of the day — It may justly be suspected that his object is to throw things into confusion that he may "ride the storm and direct the whirlwind." [Alexander Hamilton]

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

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



Return service requested

BALINT'S BULLETIN

Traffic Costs—Wasted Time	1
Abortion Law in Washington State	1
Tax Season Scams	2
Guns on Airplanes	2
Caregiver Tax	2
Swim for Your Life!	3
Emergency Savings	3
Blessed to Be an American	3
Movie Review	4
Words of Wisdom	4
Quote of the Month	4