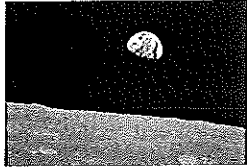


BALINT'S BULLETIN

CLIENT LAW UPDATE

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Earthrise Over Moon—Photo From Apollo 8, Christmas 1968

Lift a Finger for Free Speech

When a woman in Michigan was stopped by a police officer for speeding, the policeman took mercy and gave her a reduced ticket, a nonmoving violation notice. The transaction was complete. As she was driving away, however, the driver stuck her hand out the window and gave him a finger (and it wasn't a thumbs up). Repenting of his generosity, the officer pulled her over again and gave her the speeding ticket. She sued him for unlawful detention and for violating her free-speech rights. The court held that being rude to a police officer is not illegal, and should not be the sole reason for an arrest. The court noted that the first and legal stop was fully over before the driver expressed her opinion of the officer. In almost every case, the courts have recognized such gestures as free speech. As a matter of practice, however, I would advise not being excessively rude to an armed person, whether in uniform or not. Being rude to a cop during a routine stop is a sure invitation of getting a ticket for every possible legal offense. Also, few drivers have the resources to engage in this kind of First Amendment litigation.

More Street/Sidewalk Safety

Each of us can act to improve the

safety of our streets and sidewalks. Especially in Seattle it is relatively easy to notify the city of problems, including dangerous defects in our sidewalks and roadways, potholes, defective traffic signs or traffic signals, abandoned cars, illegal dumping on roadsides, and clogged storm drains. Simply pick up the phone and call the Seattle Department of Transportation at 206-684-7627. The operator will ask you what the problem is. It is extremely helpful to them if you specify the exact location, such as the street address nearest to the problem. The city will respond almost immediately in cases of a downed stop sign or any other kind of street signal. For signage problems dial 206-386-1218.

An even more efficient way of reporting is to download a city mobile app called "Find It, Fix It". Android users can download the program from the Google Play Store, and iPhone can download it from the App Store. With this application you can use your phone to take a photograph of the problem, add some details about the location and then hit the "submit" button.

Sidewalk and street defects can cause serious injury or worse. One important reason to report such problems is that if somebody does get hurt or killed after you have given notice, the city cannot escape liability by claiming lack of notice. To this end I encourage everyone to keep a record of your reporting.

Air Travel

Boeing has come under intense scrutiny after its best-selling 737 Max jet was involved in two deadly crashes in five months. The planes have since been grounded around the world.

Airliners have been grounded before. In 2013 Boeing's 787 Dreamliners were grounded as result of lithium battery fires on board which endangered the structure of those planes. All flights were grounded following the September 11, 2001 attacks. Although air travel remains by far the safest mode of travel, there are still dangers. One such danger is the congested airspace above the United States, with more than 15 million flights a year crossing our skies. The traffic control system needs to work with 100% accuracy. Like much of our country's infrastructure, the system could use significant upgrades.

Bus Facts

A friend just started a job as a bus driver with King County Metro. The pay sounds attractive. For the 33 days of required training, the pay is \$17 an hour; as soon as training is completed, pay rises to \$24 an hour. Two-thirds of Metro drivers are part-time. In order to get full benefits, a driver must work 20 hours a week or more. Some drivers have split shifts: they work a few hours early morning and a few hours later in

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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.

the day. That is a difficult schedule. Drivers are taught to drive all of the different kinds of buses: 40 foot buses, 60 foot buses and articulated buses. There are up to 11 cameras on the bus itself recording everything that goes on inside and one pointed forward to record traffic.

Bus drivers are forbidden to carry weapons, but they have two types of buttons. An emergency button alerts a dispatcher, who will immediately communicate and ask what the problem is. If there is no answer, the dispatcher will immediately send the police. Second, a priority button communicates with the Transit Control Center during nonemergency problems such as the bus breaking down. Each bus is equipped with a GPS system which not only tells the bus drivers where they are but gives the location of the bus to the Transit Control Center. The system gives automated announcements over the loudspeaker about the next stop, and tells the driver if he is behind or ahead of schedule. If a passenger embarks without paying the driver can ask but not insist on payment nor can the driver refused the passenger.

A bus driver can strongly encourage a problem passenger to leave the bus but cannot use physical force. The system has its own police department, the Transit Police, which is a division of the King County Sheriff's Department. The system takes seriously any complaints about drivers and reviews them all. If there is a collision of any kind it is also reviewed not from the point of view of whether the driver is negligent or liable but on a much stricter standard by asking the question of the driver: was it preventable?

How can passengers help? Stay a couple of feet away from the curb at the stops; parts of buses can project over the sidewalk. If you are standing at a stop and you see a bus coming that is not yours please waive the bus off so that the driver does not make an unnecessary stop. If you do see your bus approaching, please approach the curb.

Never turn your back to an oncoming bus while standing near the curb. My friend tells me that King County Metro has been voted the best transit system in the nation, with some 400,000 riders each day! Show your appreciation to our hard-working drivers.

Chicago's O'Hare Airport
My friend Jackie Goldstein shared the following true stories with me.

STORY 1

Many years ago, Al Capone virtually owned Chicago. Capone was notorious for enmeshing the windy city in everything from bootlegged booze and prostitution to murder. Capone had a lawyer nicknamed "Easy Eddie." Eddie's skill at legal maneuvering kept Big Al out of jail for a long time. To show his appreciation, Capone paid him very well. Not only was the money big, but Eddie got special dividends, as well, like a fenced-in mansion with live-in help and all of the conveniences of the day. The estate was so large that it filled an entire Chicago City block.

Eddie lived the high life of the Chicago mob and gave little consideration to the atrocities that went on around him. Eddie did have one soft spot, however: a son whom he loved dearly. Eddie saw to it that his young son was provided with clothes, cars, and a good education. Nothing was withheld. Price was no object. Despite his involvement with organized crime, Eddie tried to teach his son right from wrong. Yet, for all his wealth and influence, there were two things he couldn't give his son: a good name or a good example.

One day, Easy Eddie decided to rectify wrongs he had done. He resolved to tell the truth about Al "Scarface" Capone, clean up his tarnished name, and offer his son some resemblance of integrity. To do this, he would have to testify against the Mob.

Within a year of testifying, Easy Eddie's life ended in a blaze of gunfire on a lonely Chicago Street. But in his eyes, he had given his son the greatest gift he had to offer, at the greatest price he could pay. Police removed from his pockets a rosary, a crucifix, a religious medallion, and a poem clipped from a magazine. The poem read:

"The clock of life is wound but once, and no man has the power to tell just when the hands will stop, at late or early hour. Now is the only time you own. Live, love, toil with a will. Place no faith in time. For the clock may soon be still."

STORY 2

During World War II, Lieutenant Commander Butch O'Hare served as a fighter pilot assigned to the aircraft carrier Lexington in the South Pacific. On February 20, 1942, his entire squadron was sent on a mission. After he was airborne, O'Hare looked at his fuel gauge and realized that someone forgot to top off his fuel tank. He would not have enough fuel to complete his mission and return to his ship. His flight leader told him to return to the carrier. Reluctantly, O'Hare dropped out of formation and headed back to the fleet, only to see something that turned his blood cold: a squadron of Japanese aircraft was speeding toward the American fleet. The American fighters were gone the mission so the fleet was all but defenseless. O'Hare couldn't reach his squadron and bring them back in time to save the fleet. Nor could he warn the fleet of the approaching danger. His only hope was to somehow divert the enemy aircraft from the fleet. Putting aside all thoughts of personal safety, he dove into the formation of Japanese planes with his wing-mounted 50 calibers blazing. Butch wove in and out of the now broken formation and fired until his ammunition was finally spent. Undaunted, he continued the assault. He dove at the planes, trying to clip a wing or tail in

hopes of damaging as many enemy planes as possible, rendering them unfit to fly. At last, the exasperated Japanese squadron took off in another direction. Butch O'Hare and his tattered fighter limped back to the carrier.

Film from the gun-camera mounted on his plane told the tale. It showed the extent of Butch's daring attempt to protect his fleet. He had, in fact, downed five enemy aircraft. For his heroic actions, Butch became the Navy's first Ace of WW II, and the first naval aviator awarded the Medal of Honor.

A year later, Butch was killed in aerial combat at the age of 29. His hometown would not allow the memory of this WW II hero to fade. Today, O'Hare airport in Chicago is named in tribute to the courage of this brave man. The next time you find yourself at O'Hare International, give some thought to visiting Butch's memorial displaying his statue and his Medal of Honor. It's located between Terminals 1 and 2.

**WHAT DO THESE TWO
STORIES HAVE TO DO
WITH EACH OTHER?
BUTCH O'HARE WAS
EASY EDDIE'S SON.**

Movie & Book Review

As much as I love movies, it is hard to keep up these days. About 700 movies are released every year to be screened on 41,000 movie theater screens across the United States. I also watch movies on Netflix and Amazon Prime. Some worry that Internet streaming services will put movie theaters out of business, but that seems unlikely in the near term. Netflix has over 50 million subscribers in the United States; yet theater revenue is up 8% in 2018 over the previous year. One note of caution: nearly a third of the revenue for movie theaters came from the top ten grossing films.

One movie that appeared simultaneously in theaters and online—and one I can recommend highly—is the docu-

mentary "The Notorious RBG" by Magnolia Films. The movie is complemented by Linda Hirshman's book "Sisters in Law: How Sandra Day O'Connor and Ruth Bader Ginsburg Went to the Supreme Court and Changed the World." The book narrates how these two justices—the first two women appointed to the Supreme Court—elevated the rights of women in the United States. Justice Ginsburg led the ACLU women's rights project and brilliantly argued numerous cases involving women's rights before the Supreme Court (and federal courts in general).

The book also instructively delves into the internal workings of the Supreme Court and its decisions. For me it was a bit disturbing to learn how often Supreme Court justices allowed their political views to influence their decisions. Justice Anthony Kennedy, who retired last year, recently wrote and gave speeches denying that political views are involved in Supreme Court decisions. The book makes this assertion patently false. So does the politics involved both in the failure of the Senate to confirm President Obama's 2016 nomination of Merrick Garland and in President Trump's appointments of Neil Gorsuch and Brett Kavanaugh. The movie and the book are particularly important for young women, those under 50 years old, to understand how far women's rights have advanced since the 1940s.

"Seattle Is Dying"

"Seattle Is Dying" by KOMO TV is one of the most disturbing documentaries I have ever seen. But it's necessary watching for anyone who wants to understand the dysfunction of Seattle Government and its criminal justice system. In scores of places around Seattle there are tent cities and streets lined with old trailers, RVs, trucks and cars in which people are living. According to the KOMO investigators, almost all these areas

are deeply infected with drug addicts and dealers. To label these encampments as a problem of "homelessness" misses the point. More fundamentally, they reflect a drug problem. The mounds of garbage and trash including human waste, is unbelievable and can be seen everywhere for those with eyes to see it. No matter how flagrant the drug dealing, the police seldom make arrests. When they do make an arrest, prosecutors simply let dealers out on the street again with no real consequences. The police stop making arrest because they know that nothing will happen.

Many of these people freely trespass on private property, but once again the police seldom make an arrest for trespassing. Seattle law prohibits vehicles parked on the street without moving for more than 72 hours. Yet despite repeated demands, the city attorney's office and the mayor's office ignore the problem. Pleas for law enforcement usually fall on deaf ears. The mayor and the far left governing our city insist on calling it a problem of homelessness and propose throwing more money at the problem. It is true that imprisoning people for assault, theft, rape and other crimes documented in the film does not cure these people of their addictions. Still, at least when they're behind bars they cannot harm the rest of us. If our laws are enforced, perhaps many of them will re-locate. On the one hand, we see housing prices skyrocketing. On the other hand, the city is being choked with addicts. Why Seattle? The answer is apparent: across the country it is known that there is no accountability for most crimes committed in the city. Watch this documentary and tell me if you disagree.

Robocalls & Fraud

At 71 my reaction time seems to be slowing. When I answer the phone showing an unknown number, a sure sign that it's a Robocall, is a slight delay between the time you pick up the phone and someone comes on. When I hear that pause I try to hang up quickly but sometimes don't make it. You just invite fraud by interacting at all with robocallers or unsolicited sales calls. As soon as you realize that it is an automated call your best protection is simply to hang up promptly. If you are to slow please do not respond to the option they sometimes give you to press a number to opt out. All this does for them is confirmed that it's a working number. In the past I wrote about the National Do Not Call Registry. In today's day and age, with calls originating from all over the world, there is really no way to enforce compliance with the Do Not Call Registry. It has become also almost worthless. If you do make a mistake and talk to the caller only bad things can happen. Even by saying the word "yes" they can use that recorded acknowledgment to make unauthorized charges. It used to be that these types of calls did not go to cell phones but now they routinely do as more people sever the

wires. Your cell phone can easily block a number-if you don't how to do it asked a kid. Blocking a number does not do much good to block automated calls, however, because the automated callers are clever enough to use different numbers. There are applications you can download for yourself own that can be utilized. I heard about one called You Mail which not only stops your calls from ringing, but also delivers a message that your phone is out of service. It is possible to actually have fun with the robocallers. The Jolly Roger Tel. Co. has a program that allows a customer to put the phone on mute and automatically patches through to a remote automated answering service which can engage the caller almost endlessly. Finally, never, ever, provide personal information over the telephone unless you have initiated the call and are assured it is accurate.

Poetry Corner by grandson Adin Bayer, age 13 (almost)

English Haikus:

Raindrops

Raindrops are soothing
Dripping softly on my skin
They hit, you are wet

Fog

When the mist gets thick
Fog appears in the morning
Outside you can't see.

Trees

Branches reaching up
The roots growing underground
Trees are very strong
English Tanka (a Japanese poetry form):

Watching the clouds pass
Not doing anything else
A hot summer day
Lying down backs on the ground
Hanging out with my sister

Quote of the Month

In this quote Winston Churchill spoke of a rival politician. It is even more applicable today to some of our so-called leaders: "We know that he has, more than any other man, the gift of compressing the largest amount of words into the smallest amount of thought."

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