

BALINT'S BULLETIN

CLIENT LAW UPDATE

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Prescription Drug Safety/ Disposal

Prescription drugs should promote health, not harm people or the environment. All pharmacy labels display an expiration date. Prescription drugs should not be used after that date. If you are like me, your medicine chest has accumulated prescription bottles that you may not remember ever taking and that may now be dangerously out of date. Almost all pharmacies and drug store chains (including Costco) offer a disposal program, which means your prescriptions don't have to be returned to the originating pharmacy. Simply take the unused drugs to the pharmacy and ask to have them disposed. Many pharmacists will simply open the collection bin for you and not handle them themselves. Note that some drugs are so dangerous that there should be no delay in getting rid of them. The labels on some of these drugs allow them to be flushed down toilets. Most drugs reach our sewerage systems and waterways via urination. Clean out your medicine cabinet!

Uber/Lyft Safety Tips

Since our office moved to Georgetown, I regularly use Uber from my office to appointments or court hearings downtown. Across the country increasing numbers of fake drivers have been reported to troll places heavily utilizing rideshare cars such as in front of bars late at night. These bad actors—some with easily obtainable fake Uber and Lyft decals—see that people are waiting and pretend that they are their rideshare driver. Rapes

and even murders have been reported. Following several simple safety tips may help protect you from fake drivers. The easiest and most effective: ask the driver, "What is my name?" If the driver cannot identify you, then the driver is not your driver. When Uber or Lyft responds to your initial request, pay close attention to the description and the license plate of the car dispatched to pick you up. Make 100% sure that the car and license plate match before you get into a rideshare car. It is a bit harder to look at the driver and compare the driver to the photograph sent to you when the ride was confirmed. Be aware that our cell phones have an emergency 911 button that can be utilized even when the phone is locked. Uber and Lyft acknowledge that nearly 150 drivers registered as sexual predators passed the company screening. Both companies are working to tighten their screening procedures. Lately the companies have been adding a panic button on their app on the customer's cell phones that allows rapid calls to 911. They are also adding what they call the "Beacon and Amp". This sends a color code to your phone that if you're getting into the right car will also be reflected on the dashboard of the car. It also would help to use your phone to take a photograph of the car that picks you up showing the license plate. There are hundreds of thousands of rideshares every day so the percent-

age of problems is minuscule. Still, it's better to be safe than sorry.

USAA Insurance

USAA Insurance Company is engaged in nothing short of theft. I do not use these words lightly. You may have seen polished television ads showing loyal ex-serviceman and other government workers attesting to the wonders of USAA. These are misleading to an extreme degree. If you have automobile insurance with USAA I strongly urge that you switch, preferably to an insurance company that offers cheaper rates. Here's how they swindle their customers (including soldiers). One of the most important coverages you have on your automobile policy is personal injury protection (PIP). In Washington, insurance companies must offer at least \$10,000 minimum to pay your medical bills caused by a crash, no questions asked. I have always recommended the people get at least \$35,000 of the PIP coverage, if not more. It is very low-priced coverage for a lot of benefits. For the last several years, USAA has been denying

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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.

payments to medical providers. In effect, this throws the burden back on customers who must either pay the bills or have their medical care cut off. Several class-action suits around the country have brought this USAA practice to light. In 2 of the cases I'm currently handling, USAA has hired obscure doctors on the East Coast to do a "record review"—i.e. to deny as much of the medical bills as possible, including chiropractic care, massage therapy, physical therapy and straight out medical care. In other words, USAA profits by screwing the very people it insures. To a large extent, it has rendered PIP coverage useless. Please switch. If asked you why, feel free to forward USAA a copy of this article.



Alexa—Beware!

Talk about creepy! You don't have to watch a spy movie to grow paranoid about someone putting listening devices (bugs) in your home to listen to and record your conversations. If you have Alexa, Siri, or Google Assistant in your home, your conversations are likely stored in those companies' "clouds." These devices are always listening, of course, because they need to be activated by voice command. Saying "Alexa" activates the device. But they can record without you knowing it. [If you want to see something totally hilarious go to the YouTube Saturday Night Live promotion of Alexa Silver (Alexa for seniors).] One Washington Post reporter listened to 4 years' worth of conversations that took place in his living room. The companies claim to use such recordings only for purposes of quality control; if you believe that, I have a bridge to sell you. Why record at all? In personal injury cases I can see the insurance companies asking whether any of these listening devices are in your home. If so, they may sub-

poena years' worth of recordings. The small convenience these devices provide is greatly outweighed by the violations of your privacy. Get rid of them!

Florida Republican Perfidy

I chose the title of this article deliberately and carefully. Until recently I considered myself a lifetime Republican. Right out of high school I got a summer job in Washington DC with Republican Congressman Tom Pelly, one of the finest and most practical gentlemen I have ever met. I later worked for Gov. Dan Evans' reelection committee. Gov. Evans was an engineer and his politics were animated by solving problems and by high personal ethics. For example, Gov. Evans pushed for a state income tax which was (and is) highly unpopular. He supported it because he believed it was fiscally responsible and was a more equitable tax system than our highly regressive sales tax. I was a Republican because the party stood for fiscal responsibility, civil rights and civil participation, international trade, and protection of the environment, and because it believed America could act as a beacon of freedom and democracy around the world. Florida Republicans have become infected with extreme partisanship, particularly with regard to voting rights. Last November, 65% of Florida voters approved a law restoring voting rights to felons who had completed their sentences. This law restored voting rights to one and a half million people. Yet Florida Republicans, who control the state legislature and the governorship, passed a law that disenfranchised practically every one of those people by requiring them to satisfy any financial obligations that were imposed by the court as part of their original sentencing. In other words those who did not have the financial wherewithal to pay for court costs and fines would not be allowed to vote. The Republican fear? That these

people would disproportionately vote for Democrats. The message? If you have the money, you can vote. Jim Crow anyone?

Trampoline Warning

My grandchildren and their friends love going to the trampoline center. One of their visits last summer, a teenager bounced in just the wrong way with enough force to shatter his leg and ankle in numerous places. He required surgery including the insertion of metal pins, followed by months of crutches and casts. An x-ray of his ankle looked like a hardware store. Since I have known this young man his whole life, it was traumatic for me to see him suffer. The injury may affect him for the rest of his life. On the listserve I share with about 1200 plaintiffs-only attorneys, I regularly read inquiries about trampoline injuries. There were 18,000 emergency room visits relating to trampoline injuries in 2017 and there have been 6 deaths since 2012. There are no federal regulations governing them or their safety and design standards. CBS news reported on the risks of these parks. (To find it online, enter in your search line: "Trampoline Park injuries 'like getting hit with a hammer'".) From a legal standpoint these parks protect themselves from litigation for the harm they cause by requiring users or their parents to sign a waiver of any civil suits, opting instead for arbitration proceedings. One piece of advice: don't allow two or more people to bounce on one trampoline and be extremely wary of adjacent trampolines being used by adults or heavy individuals.

Russia—A Third World Country?

In 1974, at the height of the Cold War, I was privileged to be sent on a mission to the Soviet Union to visit persecuted Jews. I smuggled them information and literature, and brought out information about various imperiled Jewish communities; including Odessa, Leningrad, Moscow, Kiev, and Chernovtsy. I came to see the Soviet Union

as a large Potemkin Village. Behind the façade of a modern super power, it was a backward place. The Soviet airports, for example, appeared modern, but their bathrooms were filthy with flies and stink. Drunks were everywhere. The massive apartment blocs were really slums with malfunctioning elevators, electricity, and plumbing. In the countryside, the situation was even worse. As the only Westerners on the nearly daylong train ride from Chernovtsy to Moscow, officials kept the blinds drawn so that we could not see the impoverished countryside. Nevertheless, during a stop at a village in the Ural Mountains, we glimpsed dozens of men manually loading a logging truck with long poles. Even though there is hysteria today over Russia, we have little to fear in the way of economic competition. According to a recent New York Times article, 65% of Russians have no savings, 15% of the population does not have an indoor toilet, and 12% of households do not have access to hot water. The drunks are still everywhere. Corruption and cronyism is endemic. The average Russian adult drinks more than 5 gallons of vodka a year. Life expectancy is declining. The economy, dependent on oil, is in slow but steady decline. The Soviet Union of 1974 was armed to the teeth and hostile to the West. Russia has inherited the same fangs. Then as now, our leadership must confront the Russian dreams of Empire but with the realization of the basic weakness of that country.

Car Washing & the Environment

What is better for the environment-to have your car washed at a commercial carwash facility or to do it yourself in your driveway? If you are concerned about the environment, then the answer is easy. The carwash. A Costco carwash is \$8. There are several environmental advantages. A commercial carwash uses about 30 gallons of water or less. Many places, including Costco,

don't actually use that much water because some of the water is recycled. The used water is also treated before it is dumped into the sewage system. In your driveway, your hose pumps about 11 gallons per minute. Unless you are Superman, washing your car will probably take more than 10 minutes. You can do the math. More importantly, when you wash a car at home all of the dirt, oils, soap and grime go straight into the storm drains and then into the environment. Nationally, many commercial facilities participate in a WaterSavers program thereby certifying their water treatment. More importantly for the entire commercial process takes less than 10 minutes without sweat and grime.

Modern Snake Oil

In every generation there arise charlatans who sell miracle cures. These "cures" most often do nothing but sometimes cause great harm and usually cost a lot of money. My second medical malpractice case was against a doctor who had a clinic devoted to so-called cancer prevention treatments. These treatments were bizarre. One of them consisted of repeated coffee enemas. The patient died of massive electrolyte imbalance. Not only did we achieve a large verdict for wrongful death but I was able to get the doctor's medical license revoked. These charlatans play on the concern we all have for maximum health and our fears of disease and death. Often they target common medical ailments including various aches and pains. One of the modern scams is administration of so-called autologous stem cell treatments. One such treatment is to take a person's own belly fat, do some

hocus-pocus with it to supposedly remove stem cells, and then to inject the substance back into the person's body. A federal court in Florida recently ruled that these treatments lacked any scientific evidence of efficacy and certainly lacked any rigorous double-blind studies. In two cases the cells were injected into a patient's eyes supposedly to treat macular degeneration. The result was blindness. The clinics tout these 'stem cell' treatments to cure her back problems, Parkinson's disease, arthritis, heart disease, optical problems, lung disease and others. The court ruling affected one Florida clinic but it is estimated there are at least 500 more clinics around the country. Hopefully the ruling will allow the United States Food and Drug Administration (FDA) to begin regulating these clinics.

Drive Green

Here are some tips to save money and increase mileage according to the experts. Drive as smoothly as possible. This means don't accelerate rapidly nor be forced into a situation where you have to brake rapidly or as often. Gradual starting and gradual slowing can result in a significant increase in fuel efficiency. Going the speed limit also helps because most cars start wasting gas when speeds exceed 60 miles an hour. On warm days tried to ventilate the car by opening windows, at least at lower speeds. Once speeds increase the AC is more efficient because of the aerodynamic drag created by open windows. Make sure tires are checked regularly for recommended pressure. Every unnecessary pound in your car increases the need for fuel consumption. This is one of the main reasons that car manufacturers are increasingly eliminating the spare tire. In

other words, don't haul around heavy items in the trunk. Many of the newer cars don't idle when at a stop. It is estimated that if all cars had this feature (as eventually they will), it would be the equivalent of taking 5 million cars off of our roads. Here is a final tip which will surprise many of my readers: only use the grade of gasoline recommended for your vehicle. The engines are acutely tuned to operate at the recommended fuel octane. Using a higher grade octane, for example, not only wastes money but also makes the engine run less efficiently. Save money and help the environment!

Income Taxes-Not for the Richest

I understand the need for federal income taxes. I understand it buys us the kind of country we live in. But I don't want to feel like a sucker. I have no exotic ways of avoiding taxes and neither do most private citizens. So it really upsets me to see the super wealthy get away with paying little or no taxes because they have access to expensive tax lawyers and because the tax code is completely indecipherable to all except specialists. But think about it, some of the largest corporations with billions of dollars of revenue pay no income tax including Ama-

zon, Delta Airlines, Chevron, General Motors, Honeywell, Deere and Company, Prudential Financial, Halliburton, Netflix, IBM and many others. The super wealthy have lobbied Congress to pass laws benefiting mostly them. President Trump boasts how good he is at avoiding taxes. The recent tax cuts are a case in point. This brings to mind the Golden rule. Applied to our tax code it means that he who has the gold makes the rules. Our country's infrastructure including our educational systems, highways, military and governments all levels, all make it possible for everyone to prosper. Am I the only one thinking that it's grossly unfair that these big companies and the very wealthiest of individuals, who benefit from taxes the rest of us pay, should get away with paying nothing or very little?

David's Aphorisms

- Better to be patient on the road than a patient in the hospital.
- The exciting phrase to hear in science is not 'Eureka!' but 'that's odd' [finding an anomaly].
- Aphorisms for today's political climate:
- A closed mouth gathers no foot.
- Politicians use statistics like a drunk

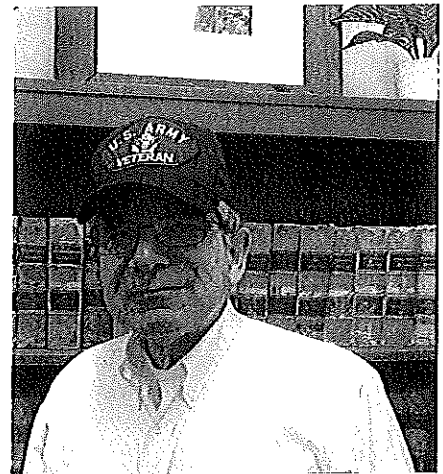
uses a lamppost—for support rather than illumination.

-No politician is completely useless—they can always serve as a bad example.

-Anything is possible if you don't know what you're talking about.

-Better to remain silent and be thought a fool than to speak and remove all doubt.

-Democracy is where you can say what you think even if you don't think.



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

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