

BALINT'S BULLETIN

CLIENT LAW UPDATE

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Medical Insurance Robbery

It amazes me that citizens in the State of Washington, and elsewhere, have not arisen in righteous anger to confront the robber barons who run medical insurance companies. In Washington, the three main medical insurance companies have accumulated \$2.4 billion of surplus. By surplus, I mean what they take in over what they can ever reasonably expect to pay out in claims. The three are my own insurance company, Regence Blue Shield, alongside Premera Blue Cross and Group Health. And remember this – under Washington law they are supposedly nonprofits!! Unless you're one of the 1,000,000 Washingtonians uninsured (one of the highest rates in the country) you have surely noticed that health insurance premiums have dramatically increased just this year and for several years in a row. Regence has officially raised its rates 150%, Group Health 122%, and Premera 150%. At the same time they have reduced benefits, which is equivalent to even more rate increases. For example, on my Regence plan coverage for "complex" radiographic studies, necessary for my health and prescribed by doctors, was cut 50%. CT scans and MRIs are the most expensive procedures. I would say that for me my rates have almost doubled just for 2012. Isn't our Insurance Commissioner supposed to protect us from this kind of greed? The answer is yes, except Mike Kriedler is not allowed by law to consider the piles of cash these insurance companies have accumulated. When he asked

for the authority to consider the surpluses in judging rate increases the insurance industry lobbying efforts were effective and the legislature quashed the bill, even though this authority is generally accepted throughout the rest of the country. If you ask a monopoly player how much is enough the answer is not until everyone else is bankrupt. That's what Washington insurance companies are doing. Not to leave the doctors out of being victims, at the same time the insurance companies are raising rates they are figuring out new ways to gouge doctors.

Bankruptcy Factoid

I handle legal malpractice cases against lawyers who screw up and cause damage to their clients. I am careful about launching such a lawsuit because I do not want to hurt anybody's reputation without being clear about the malpractice. Because lawyers practice many different kinds of specialties, one of the advantages of doing legal malpractice cases is that I get the opportunity to learn about esoteric areas of law in the process of deciding to take a case. I have sued some bankruptcy lawyers over the course of the years. I recently learned that if a person files bankruptcy and then inherits money within 6 months of the filing, all the proceeds of the inheritance go into the estate for the benefit of creditors. Therefore, bankruptcy lawyers about to file a case should warn their clients about this possibility, in case there is someone they know who might die and leave property or money to them. There is so much to know about specialized areas of law, such as bankruptcy, that it is important to hire a lawyer who knows the area of

law well that you are hiring him or her for.

Book Review – Second Nature

I am proud to recommend to everyone the second book published by my sister, Connie Sidles. It is entitled "Second Nature" and subtitled "Tales from the Montlake Fill." Her first book 2 years ago was well received. It was called "In My Nature: A Birder's year at the Montlake Fill." Connie is an accomplished freelance writer of non-fiction for magazines and trade publications. She not only writes for herself but has taught interviewing and writing to high school students for many years, leading to successful publications by students. Her love of nature and of the written word comes through clearly once again in her new book. It is divided into 32 chapters with 8 chapters per season: winter, spring, summer, and fall. On the surface, it is a book about her daily visits to the Montlake Fill near the University of Washington, which is now a nature preserve. It is beautifully illustrated with sharp photographs. Beneath the surface, however, it is an

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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.

eloquent cry for all of us to be connected with one another as well as with nature. It rings the bell to wake us up to the beauty of nature around us—to take the time and open our eyes. Connie writes so beautifully that I can only bear to read one or two chapters at a time. I highly recommend it.



Book Review – Lessons from the Collapse of Islamic Civilization

I constantly try to understand and learn about the significant issues of our day. I want to understand why Islamic civilization, especially in its Arabic incarnation, has not embraced modernity. At one time in the early Middle Ages, the Islamic and Arabic civilizations were second to none in the world, including, perhaps, even China. It was certainly more advanced culturally and scientifically than Christian Europe. They were avid students of earlier Greek philosophy and preserved that philosophy which might otherwise have been lost without their Arabic translations and interpretations. The Islamic system gave advanced (for their day) rights, comparatively speaking, to women and slaves than did most of the rest of the world. In a mere hundred years from its founding by Mohammed, Islam had conquered all of the Arabian Peninsula and North Africa. Soon after, they conquered Eastern Europe all the way to the gates of Vienna. It conquered Spain to the west and large chunks of India to the east, converting millions to Islam in the process. Then, beginning in the 15th century, the Islamic culture stagnated. Europe was coming out of the Middle Ages, and innovations in science, technology, and good government arrived in leaps and bounds as the Enlightenment advanced. Slowly, but inexorably, first Christian Europe, followed by Japan and Russia, and,

more recently, the Far East: Japan, Korea, Singapore -- and even (now) India surpassed the Islamic world in all areas. The foremost expert in the history of the Islamic world, Bernard Lewis, wrote a short but intense book analyzing this decline entitled, "What Went Wrong?" He starkly points out that, according to the World Bank, the total exports of the Arab world, besides oil, amounts to less than the output of Finland which has a population of only 5 million people.

There is a lesson in this story for the United States in our current political and economic crisis. According to Lewis, the main cultural factor which stagnated the Islamic world before collapsing it was their exceptionalism and rigidity. For hundreds of years, it was the Ottoman Turks who were in charge of the Islamic world. They believed that their religion and their culture was so superior to the peoples and religions of Europe that they saw absolutely no need to stay abreast of developments in the rest of the world, nor could they learn anything from the "infidels." Furthermore, by the 14th Century the Islamic world felt that it had learned and possessed a body of knowledge that was perfect and final. The body of knowledge became sacred. Anyone who questioned it risked the dreadful and fatal fate accusation of being a heretic. This was also true in Christian Europe as we know from the persecutions of Galileo, Copernicus, and many others. Gradually, Europe recovered from this faulty reasoning, but in the Islamic world they never did. Invention and innovation in the Islamic world came to a standstill. Where they might have done quite well to adapt to European innovation -- such as in warfare; they simply tried to purchase the goods and material without investing in infrastructure such as education. In other words, they were satisfied with what they had. Furthermore, while Europe, and

later the Far East, developed more fee economic and political structures, including the emancipation of slaves and women, in the Islamic societies of the Ottoman Empire and Persia (Iran), there were no advancements in the right of women -- depriving the economies of these countries of half their potential workers and half their potential creativity.

Perhaps things are changing now with the Arab Spring. We will see. But, when we see the politicians of today shouting about how 'exceptional' America is, and but we do not need to give the highest possible priority to building infrastructure including roads, technology, and, most of all, the education of our young people -- it is obvious that we will fall further and further behind and not learn from history. If we are so self-satisfied by what we have, and unwilling to invest in the future, the rest of the world will pass us by -- just as it did the Arabic world.

Drug Deaths Exceed Auto Deaths

For the first time since statistics were kept, there were more deaths from drugs than from all highway deaths. During 2008, 36,500 people died from poisoning from drugs. In 30 states, death from drug poisoning was the leading cause of accidental deaths. The vast majority of these fatalities were from prescription drugs. What can you do to avoid being one of these statistics? For one thing, you can tell any doctor who prescribes medications to you what other medications you are taking. If you can't easily remember, then carry a list of all your medications with you each time you see a doctor. The same information should be given to the pharmacist who is filling your prescription. It is extremely useful to have all of your prescriptions filled at the same drugstore so they have a record of past prescriptions. Pharmacists are very good at spotting combinations and amounts of drugs that are dangerous. It is crucial that you understand and follow exactly the recommendations on prescription bottles for taking

the individual drugs. And if the directions on the bottle are different than what your doctor told you, or of the pill itself looks different than your last prescription, check with your doctor before swallowing it. Do not, do NOT ingest over-the-counter pain or any other kind of medications if you are on prescription medication without telling your doctor or pharmacist that you are taking these nonprescription drugs. I want all of my clients and friends to live long lives unimpeded by any kind of accident.

Comments on the Evidence

Thanks to my office mate, Scott Friedman, and his wife Sheila for providing the following quotes. Cynicism about Congress and most state legislatures is at a justified all-time high. Similar cynicism seems to have been warranted in the past as well. I think the last quote is most important. Unless more citizens educate themselves on the issues and vote intelligently, nothing will ever change. In this age of all pervasive 30-second attack ads, we should all acknowledge our collective failure as a nation. If these attack ads can sway votes than it really means we are not informing ourselves intelligently of the issues as is our responsibility as citizens of this great country. Therefore my advice is to read, listen, study--and then vote!

- Suppose you were an idiot. And suppose you were a member of Congress. But then I repeat myself. — Mark Twain

- Democracy must be something more than two wolves and a sheep voting on what to have for dinner. — James Bovard, *Civil Libertarian* (1994)

- I don't make jokes. I just watch the government and report the facts. — Will Rogers

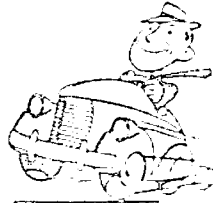
- Just because you do not take an interest in politics doesn't mean politics won't take an interest in you! — Pericles (430 BC)

- Talk is cheap... except when

Congress does it. — Anonymous

- There is no distinctly Native American criminal class... save Congress. — Mark Twain

- What this country needs are more unemployed politicians.— Edw.Langley (1928-1995)



Driving Safety Statistics

There were 40,000 traffic deaths per year in the early 1950s. The number is about the same today. But there are several major changes to consider. Americans now drive about 3 trillion miles per year, five times as many as in the early 1950s. Back then, most families had only one car. There were no seatbelts and almost no consideration of designing cars for safety. Highway engineering and signage was not nearly to today's standards. The population was poorer, and, therefore, less likely to take the car on local errands. As Leavitt and Dubner say in *Super-Freakonomics*, "[The 3 trillion miles driven with 40,000 deaths] translates into one death for every 75 million miles driven--or, to put it another way, if you drove 24 hours a day at 30 miles per hour, you could expect to die in a car accident only after driving for 285 straight years."

Even this level of risk could be cut by more than half if we as a country, and as individuals, would get serious about really penalizing persons who drink and drive and to penalize any commercial seller of alcohol: such as bars and stores, that over-serve a customer or sell to a minor. Bars are in the business of selling booze. It is rare for them to stop selling to customers getting drunk unless their behavior causes problems. The penalties for bars that over-serve are minimal, and do nothing to deter

over-service. Our courts restrict lawsuits against offending taverns, even chronic offenders, making it difficult to hold them responsible for getting people drunk who then harm or kill others. Our unwillingness to keep drunks off the road, and to deter commercial over-service, is shocking. Again from *Super Freakonomics*:

"For the past few decades, we've been rigorously educated about the risks of driving under the influence of alcohol. A drunk driver is thirteen times more likely to cause an accident than a sober one. And yet a lot of people still drive drunk. In the United States, more than 30 percent of all fatal crashes involve at least one driver who has been drinking. During the late night hours, when alcohol use is greatest, that proportion rises to nearly 60 percent. Overall, 1 out of every 140 miles is driven drunk, or 21 billion miles each year. Why do so many people get behind the wheel after drinking? Maybe because—and this could be the most sobering statistic yet—drunk drivers are rarely caught. There is just one arrest for every 27,000 miles driven while drunk. That means you could expect to drive all the way across the country, and then back again, and then back and forth three more times, chugging beers all the while, before you got pulled over. As with most bad behaviors, drunk driving could probably be wiped out if a strong enough incentive were instituted..." *SuperFreakonomics*, Levitt and Dubner, William and Morrow, 2009, p. 2

Rich Lawyers?

The latest statistics for new lawyers should give pause to anyone thinking about entering law school. Nationally, there were just over 53,500 people who passed the bar exams in 2009. Those who passed competed for about 26,000 job openings. The median wages for new lawyers across the country was a gross pay of \$44,000. In

Washington, the median starting wage was slightly over \$37,000 per year.

Aphorisms to Live By

My thanks to Peter Rettman for providing these to me. Not all of his humor is printable in a family newsletter but these are truly great:

- Do not argue with an idiot. He will drag you down to his level and beat you with experience.
- If I agree with you, we'd both be wrong.
- We never really grow up, we only learn how to act in public.
- War does not determine who is right – only who is left.
- Knowledge is knowing a tomato is a fruit. Wisdom is not putting it in a fruit salad.
- Evening news is where they begin with "Good Evening" and then they proceed to tell you why it isn't.
- To steal ideas from one person is plagiarism. To steal from many is research.
- A bus station is where a bus stops. A train station is where a train stops. On my desk, I have a work station.
- Whenever I fill out an application, in the part that says, 'In case of emergency, notify:' I put 'DOCTOR.'
- I didn't say it was your fault, I said I was blaming you.
- Women will never be equal to men until they can walk down the street

with a bald head and a beer gut and still think that they are sexy.

- Behind every successful man is his woman. Behind the fall of a successful man is usually another woman.
- A clear conscience is the sign of a fuzzy memory.
- You do not need a parachute to skydive. You only need a parachute to skydive twice.
- Money can't buy happiness, but it sure makes misery easier to live with.
- I used to be indecisive. Now I'm not so sure.
- You're never too old to learn something stupid.
- To be sure of hitting the target, shoot first and call whatever you hit the target.
- Nostalgia isn't what it used to be.
- Change is inevitable, except in vending machines.
- Going to church doesn't make you a Christian any more than standing in a garage makes you a car.
- Where there's a will, there's relatives.

Good Karma Charity Race

My daughter, Ilana, has organized a 5K race and 4K walk for charity. It will take place at 9am on Sunday, May 27th at Seward Park in Seattle. You can register at www.goodkarma5k.com.

It should be a lot of fun. You can

choose various charities that will benefit from your entrance fee. It really is a charitable race so she is asking people to bring gently used shoes for shoe donations, canned food for donations to Northwest Harvest and to donate extra to your favorite charity. In addition, there will be a booth so that you can register to be a bone marrow donor and, if you have long enough hair, they will give you a free haircut with the hair to be donated to Locks of Love. I will see you there!



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