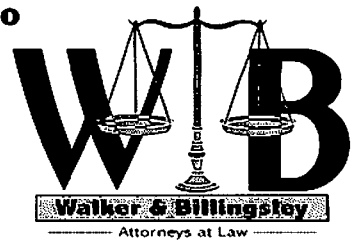


The Iowa Legal Insider™

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SUMMER 2008
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Mt. Elbert, at 14,433 feet, located between Leadville and Aspen, Colorado.



Here is a picture of Corey and Beth after reaching the summit of Mt. Elbert, which is the highest point in the continental United States outside of California. Corey and Beth have been hiking since 1996 and enjoy both the exercise and companionship that spending time (eight hours of hiking round-trip for Mt. Elbert) in the mountains brings. Later this month, they plan to hike four mountains, all more than 14,000 feet, in a single day. Watch for our next newsletter to find out if they make it.

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A Family that Plays and Eats Together, Stays Together

By Corey J. L. Walker

During the past 25 years, the number of hours Americans work has increased; the number of activities that children participate in has increased; the number of entertainment items such as cable television, satellites, and the Internet has increased; and yes, the number of divorces and dysfunctional families has also dramatically increased. Is this all a mere coincidence, or is there more to it?

As Americans spend less time working on family life, the quality of family life decreases, which in turn causes problems. For example, if children continually watch TV in another room in the house and spend little or no time talking to or interacting with their parents, how close will their relationship be? If your son or daughter is involved in four sports and numerous extracurricular activities, but you both are only home and awake together an average of one

hour per day, how strong is your relationship? Ask yourself a question: Do you work to live or live to work? Most will agree that we work so that we can live a good life and provide a life that is hopefully even better for our children. However, many of us work too much so we can have 300 channels of television, the latest cell phone, etc. Actions speak louder than words, and if we are working longer hours to buy more things, then where are our priorities? Yes, there are things to be done around the house and pressures at work, but is there really anything more important than raising children? No, that does not mean giving them everything they want, but rather taking time to go for a walk, go to the park, or just sit down and ask how they have been doing.

The same principles hold true when it comes

(continued on page 3)

OWI—Operating While Intoxicated

What You Must Know if You Drink Alcohol and Drive a Car—Including, Can I Be Charged with OWI at .05 BAC (Blood-Alcohol Content)?

By John E. Billingsley

We live in a society in which alcohol is widely used in social and recreational settings, and a society that is highly dependent upon cars. As a result, the two activities often cross paths. Every year, hundreds of Iowans are killed and injured because of drinking and driving. OWI (operating while intoxicated) is the most commonly filed indictable crime in Iowa. Nonetheless, many people attempt to use alcohol in a responsible social manner and then drive home. However, they are taking a huge risk by doing this. Not only are they a more dangerous driver after drinking, they run the risk of being stopped by a police officer and being required to be tested for sobriety. They might pass the sobriety tests, or they might not. If they don't pass, then they will likely be arrested, prosecuted, lose their driver's license, receive a fine, likely spend time in jail, and pay higher car insurance premiums.

The best way to avoid being charged with drinking and driving is to not drink and drive. However, if the solution were this simple, then the problem would not exist. The widespread social use of alcohol and lack of transportation alternatives result in the two activities occurring together. Therefore, it is important to know how much is enough and how much is too much.

Alcohol impairment is rated by the blood-alcohol percentage. A blood-alcohol reading of .08 is the presumptive level of intoxication. A driver with a level of .08 or more is breaking the law, even if they seem to be in control of themselves. A driver with a level of **less than .08** is breaking the law if the person is under the influence of the alcohol. A person is "under the influence" if any of the following are true due to drinking: 1) their reason or mental ability has been affected; 2) their judgment is impaired; 3) their emotions are visibly excited; or 4) they have, to any extent, lost control of bodily actions or motions. It is important to realize that at a blood-alcohol level of .05, a person is five times more likely to get into an accident than if they had not been drinking at all. The point to remember is that a driver who is "under the limit" can still be charged with being "under the influence."

The general rule is that one beer, one shot, one mixed drink, or one glass of wine will give a person a blood-alcohol of .02. It can be more or less than this based upon body weight and tolerance levels, but this is the general rule. The other general rule is that the body will break down and eliminate .02 worth of blood-alcohol per hour. Only the passage of time will lower the blood-alcohol level. Drinking black coffee or eating a late-night meal might make a person feel more alert, but it won't lower the blood-alcohol level. An estimated blood-alcohol level can be calculated by adding together the number of drinks and

multiplying it by .02, and then subtracting the number of hours elapsed multiplied by .02 (number of drinks x .02) – (number of hours elapsed x .02) = blood-alcohol level. Also, it is possible to purchase personal alcohol breath testers. Such a device is a good way for a person to gauge just how much their favorite alcoholic beverage affects their blood-alcohol level, which may enable a person to use alcohol more responsibly. Another general guideline is that at a level of .05, a person's friends or family can probably tell that the person has been drinking; at .10, strangers will probably be able to tell; and at .15, it is obvious to all that a person has been drinking.

By far the best method if you are going to drink outside of your home is to use a "sober" designated driver. A designated driver is a person who does not drink at all and serves as the driver for a group of friends who are using alcohol. Unfortunately, sometimes the designated driver is a person who just doesn't drink as much as everybody else, or who stops drinking at a certain time. This type of designated driver defeats the purpose and gives everybody a false sense of security. You can also call a taxi, if available, or call a sober family member or friend to pick you up.

Some people will choose to use alcohol in a moderate, responsible manner and operate a car. If you make this choice and wish to avoid an encounter with the police, it is vital that you drive the car in a flawless manner. This means, among other things, that the driver should know where he/she is going, make sure all lights are working, use turn signals, obey the speed limit, make complete stops at stop signs, not run red lights, not try to beat yellow lights, make sure the registration sticker is current, yield the right of way when required, drive defensively, and not drive aggressively. Also, keep in mind, the party stops in the car. Do not have open containers of alcohol in the car, keep the music turned down, and keep alcohol in the trunk. Remember, sometimes a little is worse than a lot. A driver feeling the exuberance of a few drinks might call more attention to himself than a driver who thinks he has had one too many and is trying to be extra careful to get home.

The costs associated with an OWI are high even if nobody gets hurt. However, in a case involving death or injury, it gets much, much worse. No one ever sets out with any of that in mind, so the best course of action is to not drink and drive. For more information and a new **FREE** book entitled "Criminal Law, Iowa Guide to Protecting Your Rights and Freedom," which exposes the "5 Rights to Know if you are Charged with a Crime," log onto www.IowaLegalInsider.com or call 1-800-850-6617, ext. 515, to hear a brief recorded message about how to order your Free copy.



CLIENT-ATTORNEY PRIVILEGE

Q: Who holds the "privilege?"

A: The client. An attorney can release information only with authorization from the client.

Q: So, clients can trust their attorneys with confidential information?

A: Yes. An attorney may not reveal anything disclosed without client consent.

Q: Why?

A: Regulations governing evidence and rules of professional conduct require that attorneys maintain all specifics of a client-attorney relationship as strictly confidential.

Q: Should clients tell their attorneys everything?

A: Yes. It's important to fully disclose all the relevant details of a case to a lawyer—positive and negative—so that counsel can represent the client confidently and appropriately.

Q: Why is that?

A: A client's failure to be fully candid may adversely affect a case if the attorney is surprised or blindsided by critical information coming from anyone but the client at any time in the case. If there are problems with conflicts of interest or ethics issues, the attorney will advise a client immediately.

FOR YOUR SAFETY Recalled Product Roundup

Here are some recently recalled products you may have in your home or at work:

✓ **Campbell Hausfeld** has voluntarily recalled 233,000 Campbell Hausfeld and Husky Air Compressors with motor protective covers that can ignite and burn users.

✓ **Kids II, Inc.**, has called back 15,000 Baby Einstein Baby Neptune™ Soothing Seascape Crib Toys with straps that can detach, posing choking hazards to young children.

✓ **Dollar Tree Stores, Inc.**, asks buyers to return 253,000 Crafters Square Electric Hot Melt Mini Glue Guns, which can short-circuit, catch fire, and shock or burn consumers.

✓ **Sears, Roebuck and Co. and Kmart Corp.** recalled 17,000 "My First Kenmore" Play Stoves. Metal brackets may cause a tip-over when the oven door is opened and injure young children.

✓ **Mantra, Inc.**, voluntarily recalled 38,250 Pressure Cookers. When closed improperly, lids can separate, release hot contents, and burn users.



Preview of Next Month

Look for our Workers' Compensation postcard next month that has a Brochure attached which includes Your Rights, 7 Deadly Mistakes to Avoid, and What You Must Do if Hurt at Work. The brochure also provides an explanation about what a Workers' Compensation Case is and is not.

A Family that Plays and Eats Together, Stays Together

(continued from front page)

to eating an evening meal together as a family. The increased consumption of fast food and the use of microwaves have resulted in few families eating together at the same table in a nightly ritual. Before these marvels of modern convenience, a family meal took time to prepare and often required everyone to help. While there is certainly nothing wrong with using new technology to decrease time spent in the kitchen, the time eating dinner as a family needs to be preserved. Social scientists have found that the dining room table is a significant facilitator of family togetherness, and the number of family meals shared each week is an accurate predictor of both how close the family's relationships are and the likelihood that the parents will divorce. If parents are not involved in their children's lives by taking time each and every day either at a meal or another time to find out how they are doing, will the parent have much influence over the child when it comes time to make important decisions? There is no single perfect solution to these issues, but a few small changes can make a big difference.

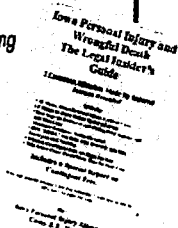
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(Disclaimer: This newsletter contains general statements, which are not intended as legal advice. There are many exceptions, and you should consult an attorney concerning your particular legal matter.)



Back-to-School Safety Tips

School Buses

Parents of children who take bus transport to school should be aware of safety suggestions:

- ✓ Escort your child to the bus stop, if you can.
- ✓ Tell your child to let the bus come to a complete stop before walking to it.
- ✓ Once on the bus, the child should sit in an assigned seat and not move around.
- ✓ Try to meet your child at the bus stop after school.
- ✓ Teach your child to get off the bus safely. When it has fully stopped, walk

about ten feet in front of the bus, be sure the red lights are flashing, that the driver indicates it is safe, and be sure vehicular traffic has stopped.

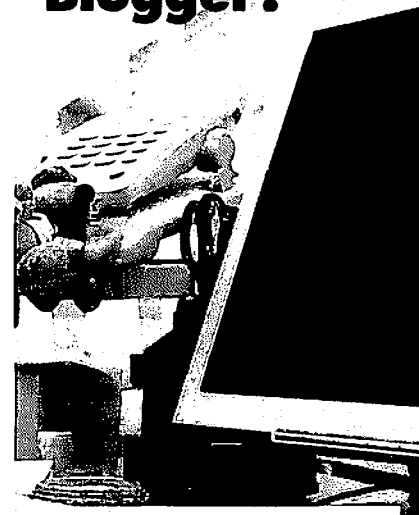
- ✓ Have a backup plan for your child when he or she misses the bus or stays after school.
- ✓ Tell your child to report harassment, fighting, accidents, or anything unusual to you.

Sports

Participating in sports teaches children the values of trying hard, teamwork, courtesy, courage, and self-worth. Parents can help their children get the most out of sports:

- ✓ Encourage your child to play in organized sports at school or in community organizations.
- ✓ Monitor adult supervision of teams for warm-up exercises, skill development, fairness, and injury prevention.
- ✓ Be sure your child wears appropriate protective gear for the sport to protect head, eyes, mouth, and other body-contact areas.
- ✓ Support your child's commitment and efforts.

Are You a Blogger?



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which carries a variety of
legal issues facing Iowans, at
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