

The Iowa Legal Insider™

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Volume 13

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know more about
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YOUR RIGHTS?

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Injury victims learn more at

www.InjuredIowan.com



Fishing

This is one of Iowa's gems that every year thousands of us enjoy at little or no cost. A dozen worms for \$2 can give you and your family several hours of enjoyment. Remember that usually fish are most active in the morning and evening so you will have better luck going at these times instead of the middle of the day. So take your children or grandchildren out for a day of fishing at one of the hundreds of lakes or rivers in our great state. Note, in Iowa if you are 16 or older, you need a fishing license which can be purchased for \$17.50.

New Name and New Des Moines Location

You may have noticed that our name has changed to Walker, Billingsley & Bair. Attorney Erik Bair, who has been with us since 2001, is now a partner. We have also relocated our Des Moines office to 2545 E. Euclid, Suite 120 Des Moines, Iowa 50317 which is a larger and new space. It was formerly a movie rental store so we started with an open space and built it exactly how we wanted it. Next time you are in the neighborhood stop by and we will give you a tour and a client appreciation gift just for stopping by.

Would you like to
receive a \$49 gift
absolutely FREE?

Then check-out our new
webpage, www.IowaInjured.com, leave a comment with your name and address at the bottom of the page and we will send you a *Car Accident Kit* (including a camera) a \$49 value for **Free**.

Kid's Corner

This is a picture of us after a fun morning fishing at Red Rock lake. We caught more than 20 fish in 2 hours fishing from the shore. We can bait our own hooks, but dad takes most of the fish off, especially the big catfish we caught. (Those are some of them in the background). Dad cleaned the catfish, but mom sent them to our Papa Joe because he is the only one who likes eating them.



Effective, Efficient Results.

How Our Client Karen Almost Gave Away \$50,000 in her Workers' Compensation Claim

By Corey J. L. Walker



A client of mine named Karen was a 35 year old wife and mother of three working in the factory. Karen was a dependable worker who always came to work on time and had not missed a day of work in 4 years. Unfortunately, Karen was lifting a heavy part at work when her back gave-out. She ended up on the floor in severe pain. Karen immediately went to medical and reported that she had hurt her back at work. The medical personnel told her to go see her family doctor and return to work with what he says. Karen's family doctor prescribed pain medications and excused her from work for the next week. However, Karen's condition worsened and after only two days she was back seeing her family doctor. Her doctor ordered an MRI, which confirmed that Karen had suffered a herniated disc in her back. Karen was referred onto a surgeon for evaluation of the herniated disc. The surgeon told her that surgery was her best option as the disc would likely not heal on its own. Karen was devastated because she had never had surgery before and had always taken pride in her work.

While Karen had the surgery and made a good recovery, the doctor assigned her a 10% impairment rating and placed a permanent 30 pound lifting restriction upon her. She was not able to return to her higher paying line job, but had to take a lower paying job. She was satisfied with the 50 weeks of benefits they paid her, but did not realize that she was entitled to much more compensation for her injuries.

Thankfully for Karen, one of her friends had previously been injured at his job and we handled his case for him. Karen came to see us and we informed her that her case was worth much more than the 50 weeks of benefits she had been paid. She was entitled to industrial disability in which her impairment rating was only one of many factors. Karen eventually settled her case for more than twice as much as the insurance company had previously paid her. If Karen had not come to see us, she would have missed out on more than \$50,000 in money owed to her.

Iowans' hurt at work often do not know what their basic rights are so I am willing to provide any person with an Iowa Workers' compensation claim a copy of my book entitled "Iowa Workers' Compensation- An Insider's Guide to Work Injuries" at no risk, cost or obligation. My book includes the Iowa Injured Workers Bill of Rights. **Why offer a Free Book?** Because I have represented hundreds of Iowans hurt at work and have seen too many clients make mistakes before they had the "right" information resulting in them losing thousands of dollars. **Finally**, you can learn about work injuries in the comfort of your own home with no risk or obligation. However, quantities are limited so to learn how to **avoid costly mistakes** and **your rights**. **Call Now** (800)-850-6617, ext. 511 (24 Hour Message) or go to www.IowaWorkInjury.com.

Preview of Next Month – What Mountains Will Corey and Beth Walker Take On This Summer?

Solve the Sudoku

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(answers on back page)

OWI- Can You Be Charged if You are Below the Legal Limit of .08?

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 results 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. "Under the influence" means that for a person, by reason of drinking, any of the following is true: 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 multiply it by .02 and then subtracting the number of hours elapsed and multiplying it 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 .08 strangers will probably be able to tell; and at .15 it is obvious to all that a person has been drinking.

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**"OWI – Can You Be Charged if You are Below
 the Legal Limit of .10?" continued.**

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.

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 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 copy at no cost.

**Answer to
 Solve the Sudoku**

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| 7 | 4 | 1 | 8 | 5 | 2 | 9 | 6 | 3 |
| 8 | 2 | 5 | 9 | 3 | 6 | 1 | 4 | 7 |
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