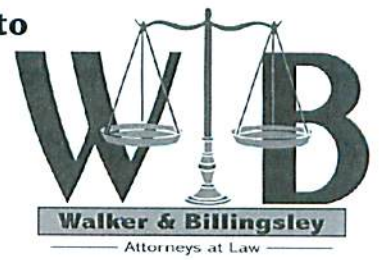


# The Iowa Legal Insider™

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FALL/WINTER 2008  
Volume 9

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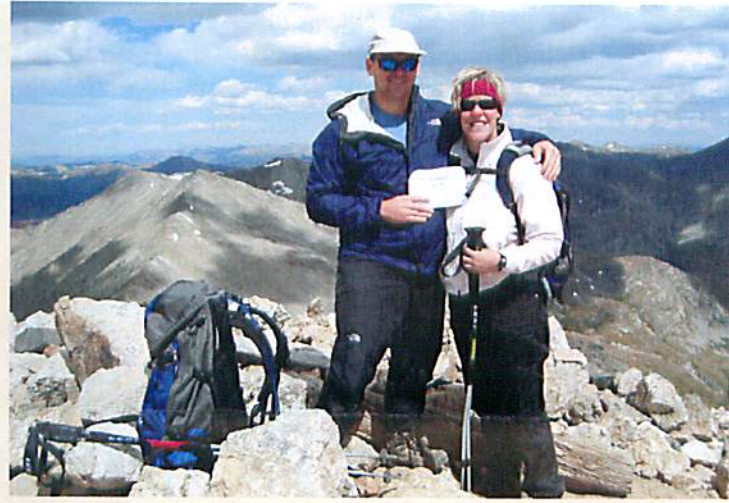
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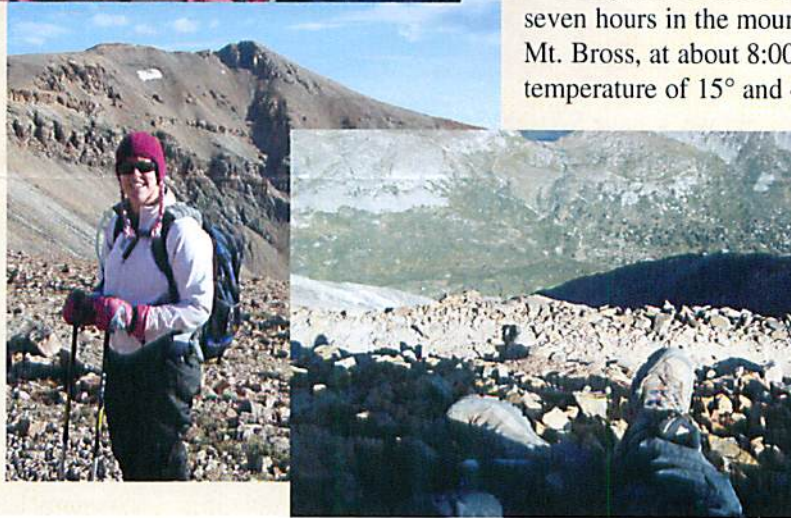
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## WE MADE IT!



Corey and Beth left before sunrise and spent the next seven hours in the mountains. They reached their first peak, Mt. Bross, at about 8:00 a.m. and were greeted with a temperature of 15° and 40-mile-per-hour winds in September. They then went on to climb three other peaks of more than 14,000 feet each. When asked why they climb mountains, Corey and Beth commented, "We enjoy spending time together, pushing ourselves to our physical and mental limits. Also, it is great to get outside and enjoy this great Earth we are so blessed to live on."



### SOLVE THE SUDOKU

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(Solution on back page.)



Eric Loney and his wife Emily recently celebrated the birth of their first child. Tristan Daniel Loney was born March 7, 2008, and weighed 7 lbs. 14 oz.

Effective, Efficient Results.

# When the Economy Slows Down, Why Should You Increase Your Car/Motorcycle Insurance Coverage?

Most people think, "Well, it will never happen to me," but vehicle (car and motorcycle) accidents are the #1 cause of accidental death and disability, with more than 6 million accidents each year causing 3 million injuries and more than 42,500 deaths. That means you have a better than 98 percent chance of getting into a vehicle accident during your lifetime. Every year, hundreds of Iowans are permanently disabled and killed in vehicle accidents caused by drivers with little or no insurance. What many Iowans don't know is that Iowa law only requires \$20,000 in insurance coverage for bodily injuries. Given the rising costs of medical care, that barely covers a trip to the hospital and follow-up medical care. Statistically, about 12 percent of Iowans don't carry any vehicle insurance, and we estimate that another 70 percent of Iowans don't have enough. While the economy slows down, even fewer Iowans are buying insurance for their vehicles.

What happens if you are involved in a vehicle crash with an uninsured driver and cannot return to work? What can be done to protect you and your family from irresponsible and uninsured drivers? The insurance companies probably have not told you, but I will, and I do not sell insurance. I have found that what most Iowans don't know is that uninsured and underinsured motorist insurance coverage is the only automobile insurance that protects them and their families. What does \$20,000/\$40,000 mean, anyway?

Whenever auto insurance coverage is expressed as \$20,000/\$40,000 or \$300,000/\$500,000, the policy is telling you what coverage is available "per person" injured in the accident and what total coverage is available to all persons injured in a single accident. So, if you



**Do you know how much coverage you have to protect you and your family?**

have \$20,000/\$40,000 coverage, each injured person would be covered up to \$20,000, but the total coverage available for the accident is only \$40,000. If four people are hurt in the accident, the most any one person would be paid is \$20,000, but all five people would have to share the total of \$40,000. In this situation, if any one person's damages exceeded \$20,000, or if the entire claim of all people in the accident exceeds \$40,000, you could be personally responsible for what the policy did not pay.

Do you know how much coverage you have to protect you and your family? My experience is that most Iowans don't. If you have enough uninsured (UM)/underinsured (UIM) motorist coverage and a driver who has either no insurance or not enough insurance hurts you or your family, then your insurance company will pay for your damages up to the limits of insurance coverage you purchased. Uninsured (UM) motorist coverage is also very important because if you are the

victim of a "hit and run" and the other driver is not caught, your UM coverage will provide you with protection. Okay, how much does it cost? A recent survey of the leading insurance companies shows that for most Iowa drivers, the difference between \$20,000 and \$500,000 in coverage is less than a dollar per day. The cost for increased coverage ranged from a low of \$.15 per day to a high of \$.72 per day. Would you like to know which insurance company had the lowest rate and learn more about vehicle insurance?

Want to hear a brief recorded message about how to order a free copy of a book entitled "How to Buy Car and Motorcycle Insurance to Protect You and Your Family"? Log on to [www.IowaInsuranceBook.com](http://www.IowaInsuranceBook.com) or **Call 1-800-707-2552 and enter ext. 514** (24-hour message). Why would I offer a free book to you? Because I believe that all Iowans should have the right information to make informed decisions when they are buying car insurance. Also, I have had too many clients who did not have enough insurance before their accident, which resulted in them losing thousands of dollars.

# Iowa's Workers' Compensation System

## Myths and Mysteries Revealed

In 1913, the Iowa legislature passed the law creating Iowa's workers' compensation system. When the law was passed, there was a trade-off made between employers and employees. While an employee does not have to prove fault or negligence like they would in a car accident case, for example, the trade-off is that the employee's damages are limited. In an Iowa workers' compensation case, an employee is generally not allowed to recover pain and suffering or loss of quality of life damages against the employer. The exception to this rule is if you can prove that a co-employee committed "gross negligence." Also, if you were injured by someone who does not work for your employer or a defective product caused your injuries, then you may be entitled to additional damages. You should consult an attorney to find out if your case meets one of these criteria.

Another misconception that some injured workers have is that the insurance adjuster is there to help you with your work injury case. The insurance adjuster works for your employer and/or their insurance company and has no duty to protect your rights or even tell you what the law is. Also, sometimes a nurse or medical case manager will be assigned to your case. The nurse will come to your appointments, talk to your doctors, and often act like they are your friend. Keep in mind that they also are working for your employer and/or their insurance company, so be careful what you tell them. They are trained to find things in your past medical treatment and will try to use those things against you in your work injury case. While honesty is always the best policy, that does not mean you should tell them your whole life story. Along the same lines, people often think they have to let the medical case manager into the examination room. That is *not* the case; you *do not* have to let them in during the examination. However, under Iowa law, they can speak with your doctors and other medical providers when you are not present.

Sometimes a client will come to see me after they have fired an attorney they found in the phone book who advertised as a workers' compensation attorney. Any Iowa attorney can advertise that they handle workers' compensation cases, even though they may never have handled a single case. What you need to look for is an attorney who advertises "practicing primarily in workers' compensation." This means that the attorney has certified with the Iowa State Bar Association that at least 40 percent of their law practice involves workers' compensation and that they have spent at least 15 hours per year taking continuing education classes about Iowa's workers' compensation laws. Iowa's work injury laws are far too complex for someone without knowledge and experience to represent an injured worker. Only a qualified Iowa workers' compensation attorney can make sure that your rights are protected and that you are treated fairly in your case.

Another thing to look for when searching for an attorney is what results they have obtained for their clients and what their past clients have to say. Don't take "all my cases are confidential" as an answer. Ask yourself this: Do you want someone representing you with a proven track record, or do you want to take a gamble on the attorney you choose? If an attorney has obtained good results for past clients and past clients have good things to say, then chances are they are qualified to represent an injured worker. Whether you live in Des Moines, Cedar Rapids, Waterloo, Iowa City, Ft. Dodge, Marshalltown, or even outside of the state of Iowa, you should find an experienced Iowa work injury attorney to help you.

Clients often wonder how they can afford to hire an attorney to help with their work injury case. First of all, most qualified Iowa work injury attorneys will provide you with an initial consultation at no cost. Also, most work injury cases are handled on a contingency fee. A contingency fee means that if you do not make a recovery, then you will not owe

any attorney fees. The attorney being paid is contingent upon you being paid. As part of the contingency fee, if you are currently receiving weekly benefits, then the attorney should not charge you any fee on those benefits. Also, if the doctor provided by your employer and/or their insurance company (the company doctor) provides you with a permanent impairment rating, your attorney should not take a fee on those benefits. If through the efforts of the attorney you receive more money than the impairment rating given by the company doctor, then the attorney will receive a percentage of the additional money you receive. Once again, I have seen many clients who were not happy with their prior attorney who had been charging them a fee on benefits that were rightfully theirs. Attorneys who do not routinely handle workers' compensation cases will sometimes take a fee when legally they should not.

To learn more, including the 7 Deadly Mistakes to Avoid if You are Hurt at Work, order a copy of my **FREE Book** entitled "Iowa Workers' Compensation—An Insider's Guide to Work Injuries." **Why offer a Free Book?** 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 recorded message), or go to [www.IowaWorkInjury.com](http://www.IowaWorkInjury.com).

### Preview of Next Month

We will feature an article which dispels the myth that just because you are injured on someone else's property, it doesn't necessarily mean that the property owner is responsible for your injuries.

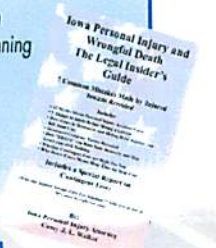
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**OPEN NOW to Find Out if Beth and Corey Made It!**  
 (Remember: They were trying to hike four 14,000-foot peaks in one day.)

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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.)

## Why Should I Prepare a Will?

Recently, a couple came into our office asking questions about creating a will. During our conversation, I learned the couple had two teenage children and had been thinking about creating a will for over ten years, yet had done nothing about it. They did not realize the problems that could arise until someone they knew died without a will. Almost every person I meet with about a will says the same thing.

No one likes to think about death, yet it is the one thing we are certain will happen to us. Most people spend their lives working long and hard to provide for their families. Oftentimes people die without the proper planning to ensure their loved ones are taken care of. As attorneys, we see it all the time. If the proper steps are not taken, the state will determine who gets your property, and a judge may decide who will raise your children.

The most common question for many people is whether they need a will. If you are married, have children, or have acquired

assets you want to pass on after your death, you need a will. The will is your written document that acts as a set of instructions to direct how your property will be divided and distributed after your death. A will can help you preserve family financial security in several ways. It allows you to designate the persons you wish to receive your property and assets, and can eliminate costly legal fees and court expenses.

A will also allows you to choose a guardian of your choice for your minor children, and to protect your children financially by creating a living trust for your minor children. If you have a will, you can make specific gifts to friends or donations to your church or favorite charities. A will allows you to do many things, but when it comes down to it, a will lets you make your wishes known.

Once a person has made the decision to get a will done, the rest is fairly easy. The time spent deciding who will care for your children and how your assets will be

distributed is minimal compared to the stress placed upon your loved ones should you die without a will.

A new **FREE** book entitled "What Will Happen When I Die? Iowa Consumer's Guide to Wills, Estate Planning and Probate" exposes the—4 Things That Could Hurt Your Family and—How to **Avoid the Death Tax**. To find out more, you can log onto [www.IowaLegalInsider.com](http://www.IowaLegalInsider.com), or to hear a brief recorded message about how to order your **FREE** copy, Call **1-800-850-6617** and enter ext. **516** (24-hour message).

**SUDOKU SOLUTION**

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