

The Boyk Bulletin

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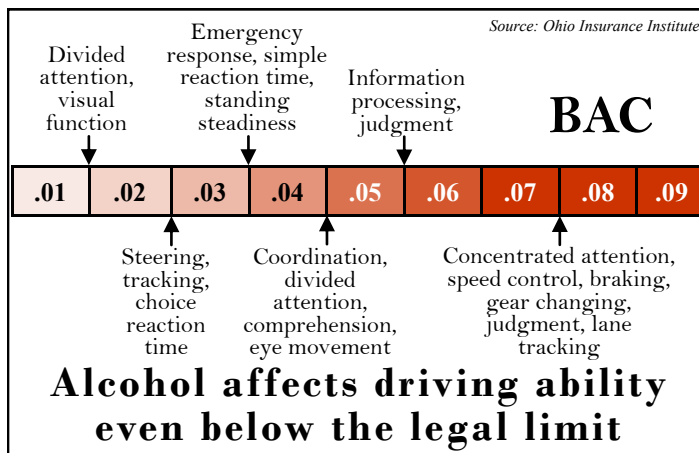
Alcohol-related crashes affect more than the drunk driver

Two accidents.
Eight deaths.

Families left grief stricken by the actions of drunken drivers.

In the span of less than a month, our community witnessed the horrors of what can happen when people have too much to drink before getting behind the wheel.

In the first case, five members of a family were killed in December when a man who Toledo police say had a blood-alcohol content that was more than three times the legal limit drove the



wrong way down I-280 and struck their van. The death toll included a two-month old baby.

In the second case, an 8-year-old boy died in a crash in January on State Rt. 2 in Jerusalem Township. The

accident also killed two others, including the intoxicated driver who police say caused the accident.

These types of senseless tragedies are not unique to northwest Ohio. Alcohol-
See **Drinking**, Page 2

Prospective law against texting could save lives

Text messaging has become the fastest new way to keep in touch with family and friends. While sending text messages is fun, texting behind the wheel is dangerous.

Ohio State Representative Diane Fessler of New Carlisle believes the practice is so dangerous, that she has introduced a bill that would make text messaging while driving against the law.

Similar to the consequences of not obeying Ohio's seatbelt law, the offense would cost a driver \$250 in fines, according to *Toledo Legal News*.

Technology can improve our lives, but some of our gadgets can be distracting when we're behind the wheel. The risk for an accident increases by 50 percent for those who text while driving, according to a study by psychologists at

the University of Utah.

The American Automobile Association found that out of 1,000 16 and 17-year-olds polled, 46 percent of them admitted to text messaging while driving. AAA also found that some teens receive and send as many as 500 text messages in one day.

That means a lot of distracted drivers could be on
See **Texting**, Page 2

Ingredients

Cookies:

1 cup powdered sugar
 1 cup butter or margarine
 1 Tablespoon white vinegar
 2 1/4 cups flour
 3/4 teaspoon baking soda
 1 1/2 teaspoons ground ginger
 1/4 teaspoon salt
 6 drops red food coloring

Frosting:

2 cups powdered sugar
 1/2 teaspoon vanilla
 2 Tablespoons milk
 Red food coloring,
 sprinkles, & candy hearts, *optional*

Valentine's Day cookies



1. Pre-heat oven to 400°F. In large bowl, mix together powdered sugar, butter and vinegar. Stir in flour, baking soda, ginger and salt; mix until well blended. Separate dough into two halves; add food coloring to one half.
2. On a lightly-floured surface, roll out dough to 1/8 inch thickness. Cut out shapes using heart-shaped cookie-cutters.
3. Place shapes onto ungreased cookie sheet, two inches apart. Bake for 5-7 minutes or until cookies are set. Cool 1-2 minutes, transfer cookies to cooling rack, then allow to cool completely, approx. 30 minutes.
4. Frosting: Mix powdered sugar, vanilla & milk together in small bowl until frosting is smooth. Add food coloring if desired. Spread on cooled cookies. Decorate with sprinkles and candy hearts.

**Easy to make treat for children's
school parties!**

Drinking *Continued from Page 1*

related motor vehicle crashes kill someone every 31 minutes and cause serious injuries every two minutes in the United States, according to the National Highway Traffic Safety Administration. The Ohio State Highway Patrol attributed 19 deaths in Lucas County in 2007 to drunk driving.

Our office has dealt too often with the aftermath of alcohol-related accidents that have caused death or injuries that leave families reeling. We urge drivers not to drink and drive at all, but if you are going to drink and get behind the wheel, make sure you're well below the legal limit.

If you think you've had too much to drink, get a ride home. Better yet, if you know you're going to be drinking, spring for a cab. It will cost you some money, but that expense obviously means nothing if it stops you from injuring or killing someone. Even if you don't get into an accident, getting arrested for driving while impaired likely will land you in jail and cost you big bucks between court fines, attorney fees, and costs to reinstate your license.

The recent accidents we've seen in the Toledo area are a sobering reminder of the devastating consequences drinking and driving can cause.

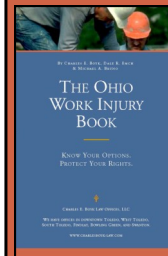
Texting *Continued from Page 1*

the roads.

Teens aren't the only ones to blame. Many new cell phones now have personal computing capabilities, such as the Blackberry or the iPhone. Checking email, sending memos, and setting calendared appointments behind the wheel can be just as distracting as text messaging.

Toledo Legal News also reported that AAA found that a driver doubles his risk for an accident when he takes his eyes off the road for more than two seconds, and that 80 percent of collisions involve some sort of inattention.

It takes two hands to drive a car, and only two seconds to cause a crash. Keep yourself and your family safe by keeping your eyes on the road and your hands on the wheel.



**COMING
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Work Injury
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Our attorneys answer the following questions:

- Can I sue my employer?
- Will I be fired for filing a claim?
- Who will pay my medical bills?
- Will I get paid for lost wages?

Slipping, sliding on snow, ice won't win a lawsuit

By: Dale Emch, author of "Legal Briefs." Reprinted with permission from *The Blade*.

Dear Dale: When I came out of a convenience store recently, I slipped on a patch of ice near the door. My fall was caught on the store's security camera and I talked to the store's owner that night. He came out and had more salt put on the icy area. The fall caused me to injure my ankle pretty seriously. Can I sue the store for my injuries?

ANSWER: The quick answer is probably not, but there are exceptions that you should explore before closing the door on a possible lawsuit.

Global warming issues aside, everyone who lives in Ohio knows that they'll have to wrestle with snow and ice over the course of the winter. Though some of my friends - who will remain nameless, but they know who they are - whine about the cold, battling the winter elements is a fact of life in our corner of the world.

The courts wisely recognize this and have refused to impose liability on businesses and homeowners when someone takes a tumble as a result of slipping on snow or ice. The line that you'll see repeated in the case law dealing with these issues is that a land-

owner has no duty to someone who falls due to a natural accumulation of snow and ice. We all know snow and ice can cause us to fall, so we're expected to use extra caution. This concept holds true whether we're talking about a homeowner or the owner of a business.

So, the rule is pretty absolute. But, as often is the case with the law, there are exceptions that should be examined. If one falls on an unnatural accumulation of snow and ice, a property owner could be liable if the other elements of a negligence claim are present.

What counts as an unnatural accumulation of snow and ice would be fact-specific and different in every case. The rough guideline, though, is that the hazard would have to be man-made. In other words, it's not enough that the wind blew the snow around, causing a hazardous condition. It also doesn't matter if the snow or ice melted and refroze - that's a condition that naturally happens over the course of a winter.

An example of a man-made condition would be an awning that the owner tears and he knows snow and ice build up under the torn area, but does nothing

to correct it. Another might be an eaves trough that the owner knows is leaky, causing water to puddle and ice to form on a sidewalk.

The landowner must have created the dangerous condition or known about it and failed to correct it.

So, in your case, you must determine whether your fall was caused by a natural or unnatural accumulation of snow or ice. If it was just icy because of a normal winter storm, you're going to be out of luck.

Attorney Dale Emch's "Legal Briefs" column can be found every other Sunday in the Living section of The Blade. Readers should send their questions to Mr. Emch at demch@charlesboyk-law.com or by mailing them to our downtown office at 405 Madison Ave., Suite 1200, Toledo, Ohio 43604.

The first five readers to submit a question for consideration in "Legal Briefs" will receive complimentary movie tickets.



Employee Spotlight

Leslie Rombkowski

If it's lucky, an office has a go-to person who always seems to know how to get things done.

At Charles E. Boyk Law Offices, that person is Leslie Rombkowski, our office manager. This trait was crucial at the end of last year when she orchestrated our office's move to the National City Bank Building.

"We had been in the Spitzer Building for 24 years. Leslie insisted we move to a better location," Chuck Boyk said. "She was right. The new location is much more user-friendly for our clients,

staff and attorneys."

In addition to her organizational skills, Leslie brings an expertise to our office on probate matters. In her 17 years as a probate paralegal, she learned how to navigate the world of wills, trusts, and estates.

Leslie is in her second stint with our office. After graduating with a bachelor's degree from Bowling Green State University, she went on to earn her Associates Degree in paralegal Studies from the University of Toledo. Leslie then worked for Chuck Boyk in the

1990s, when the office consisted of three attorneys and two staff members. We have since grown to a staff of nine.

"What makes us different from some law firms is the fact that we genuinely care about our clients and what happens to them," Leslie said. "Many people think you need to have a lot of money to hire an attorney. We serve everyone in the community, and if a client has another problem outside of their case, we are always happy to step in and help in any way we can."



Employee Spotlight will run periodically in the Boyk Bulletin, as part of an ongoing feature highlighting our staff.

Charles E. Boyk

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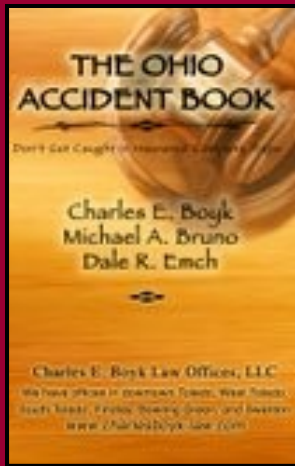
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- Should I talk to the other driver's insurance company?
- What will an attorney do for me?

Cases of Interest our office is handling

12-year-old boy struck by car shortly after stepping down from TARTA bus, suffering a broken leg and damage to his growth plate.

43-year-old man struck by a forklift while shopping at a local warehouse, fracturing his right foot.

Driver and passengers removed from car with jaws-of-life after they are struck by a commercial vehicle.

75-year-old passenger passes away after complications from a head-on collision.

Passenger is taken by life flight to hospital, suffering facial lacerations requiring over 50 stitches and plastic surgery, after a car accident.

15-year-old boy undergoes surgery for broken nose, after a van pulls in front of dirt bike he is riding.