

The Boyk Bulletin

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Don't put your financial well-being in the hands of an uninsured driver

The New Year is a time for resolutions and fresh starts.

It is also a good time to make sure you have adequate insurance coverage to protect you and your family in the event of an accident.

While the attorneys in our office hope that you are never involved in an automobile accident, we still want to remind you how important it is to have a good policy in place in case

one does occur.

"We often see personal injury cases where the

work."

That is why it is imperative that you protect yourself and your family by adding uninsured and underinsured coverage to your own auto policy.

"What is the average cost of adding uninsured motorist coverage to your policy? Around \$3.29 per month."

- Jeff Traudt, State Farm Insurance Agent

at-fault driver who has injured our client has only the state-minimum policy of \$12,500, or no coverage at all," Attorney Chuck Boyk said. "The injured person is left with no way to pay their medical bills or get compensation for their time lost at

Jeff Traudt, an insurance agent for State Farm, agrees.

"In today's suffering economy, there are more and more people driving around with no insurance or not enough insurance,"

See **Insurance**, page 2

Dog Wardens, Attorney Emch pow-wow about the pound

Dog wardens often have difficult and thankless jobs, especially when it comes to enforcing Ohio's vicious dog laws.

Enforcing those laws has become more confusing over the last few years in the wake of two Ohio Supreme Court decisions that address those issues. Last month, attorney Dale Emch spoke to the Ohio Dog Wardens Association in Columbus about how dog wardens could still enforce vicious dog laws while complying with those two opinions by the high court.

"The two Supreme Court cases that I spoke about have created some confusion among dog wardens who want to safeguard their communities from vicious dogs," Dale said. "What I was hoping to do was give them some ideas about how they could still enforce vicious dog laws in a way that the Court would find constitutional."

In the first decision, *State v. Cowan*, which was issued in 2004, the Supreme Court said that it was unconstitutional to label a dog as vicious without providing a hearing process in which

the dog's owner could appeal that decision.

In the second decision, *Attorney Dale Emch Toledo v. Tellings*, the Supreme Court found that the state and Toledo laws that declared pit bulls as presumptively vicious were constitutional and that no hearing process was required before criminally citing someone for a violation.

The two decisions, as See **Dog Warden**, page 3



Boyk Law Offices brings happier holidays to needy families

With the holiday season comes the reminder of how many things we have to be thankful for.

But for some families in the northwest Ohio area, that can be hard to do.

That is why our office volunteered to be a Secret Santa to five needy families this year.

We paired up with Neighborhood Properties, Inc., a non-profit organization that provides permanent housing and support for those battling mental illness and addiction.

"Although it is a lot of work organizing and preparing for the Secret Santa program and party, it is all worth it to see the faces of the kids when they get to visit with Santa," Ruthann Pilz, Executive Administrative Assistant for Neighborhood Properties, said.

Our office fulfilled wish lists for the children of five families, and provided the wrapped toys and clothes to Neighborhood Properties to pass out at their annual Christmas party.

"Over 104 children received holiday gifts because of the generosity of many who became NPI Secret Santas this holiday season," Ruthann said.

Shopping for the kids brought a whole new joy to the spirit of the season for those in our office.

"It's so easy to get wrapped up in the hustle of Christmas," Anneke Kurt, marketing director, said. "It's so rewarding to give back to the community. We encounter kind and giving people every day in our clients and co-workers. It simply fills you with joy to pay that generosity forward. I have no doubt in my mind



Joey Halbig-Sanchez, 2, visits with Santa

that those families will continue to pass on that spirit of giving throughout the whole year."

This is the second year that our office has adopted families from Neighborhood Properties. If you would like more information on how you can participate in the Secret Santa program, visit www.neighborhoodproperties.org, or call 419.473.2604.

Insurance, *Cont. from Page 1*
Mr. Traudt said.

"Because of this fact, along with the fact that Lucas County has a high rate of uninsured drivers anyway, we strongly recommend at least \$100,000/\$300,000 in uninsured motorist coverage."

Uninsured coverage provides protection in the event a driver with no insurance injures you in an auto accident.

Underinsured coverage kicks in when the person who hits you has some insurance, but not enough cover your injuries. In a situation where a driver is only carrying the \$12,500 state-mandated minimum, it is easy to exhaust the policy limits.

Anyone who has gone to the emergency room for an injury that requires follow-up treatment for even a relatively short period of time understands how fast the medical bills add up. If the bills climb past \$12,500, you're not going to collect any money beyond that limit unless you have underinsured motorist coverage on your own

policy.

With the struggling economy, though, it is easy to forgo the extra coverage in order to lower your monthly premium, which means that there are a lot of drivers out there without adequate coverage putting you and your family at risk.

According to the National Highway Traffic Safety Administration, there are over six million car accidents reported each year in the United States. The Insurance Research Council found that nearly 15 percent of drivers nationally are uninsured. You don't want to put your well-being in the hands of another person.

Adding uninsured and underinsured motorist coverage to your policy adds roughly 7 percent to 9 percent to an average auto premium, according to State Farm Mutual Automobile Insurance Company.

Fox example, if your car insurance costs you \$150 per month, paying an extra \$10-\$14 for uninsured/underinsured coverage is a small price

to pay if it means protecting your financial well-being.

We asked Mr. Traudt of State Farm to look at a typical policy in our area to find out how much uninsured and underinsured motorist coverage costs for a man over thirty with a good driving record.

"What is the average cost of adding good uninsured coverage (\$100,000/\$300,000) to your policy?" Mr. Traudt said. "It's around \$19.72 for a six month policy, or \$3.29 per month."

Bump the coverage up to \$250,000/\$500,000, and the cost is only \$6.91 per month.

Take the time this New Year to re-evaluate your auto policy and make sure that you and your family are properly covered.

THE OHIO ACCIDENT BOOK

Don't Get Caught in Insurance Company Traps

Charles E. Boyk
Michael A. Bruno
Dale R. Emch

Charles E. Boyk Law Offices, LLC
We have offices in downtown Toledo, West Toledo, South Toledo, Findlay, Bowling Green, and Swanton.
www.charlesboyk-law.com

If you have any questions about how much coverage you should have, contact our office at 419.241.1395. To order your FREE copy of *The Ohio Accident Book*, call 800.479.8203, code 8223, or visit www.ohioaccidentbook.com.

Don't get caught in insurance company traps

The subtitle to *The Ohio Accident Book* is "Don't Get Caught in Insurance Company Traps." The attorneys at Charles E. Boyk Law Offices, LLC, wrote *The Ohio Accident Book* because they have seen firsthand how that most people are at a natural disadvantage when dealing with insurance adjusters who handle claims for a living.

"It has nothing to do with how smart or successful you are in other areas of your life," Attorney Chuck Boyk said. "Insurance adjusters have the advantage because they settle claims for a living."

But what exactly do insurance companies do that gives them the advantage? What do they know that most of us don't?

The following excerpt from "Tricks of the Trade – How Insurance Companies Deny, Delay, Confuse and Refuse," published by the American Association for Justice, is the first in an on-going series of articles The Boyk Bulletin is featuring to teach readers how insurance companies gain an advantage over you.

You are in your car running an errand for your job, when all of a sudden a pickup truck crosses the centerline from the other direction and smashes into you. The accident is catastrophic. You are seriously injured and left in a coma. When you wake nine days later



you have multiple broken bones, collapsed lungs, and are destined to spend the next few agonizing months under constant care.

And then comes the real kick in the teeth. The insurance company denies your claim. They claim the driver who caused the crash acted in a moment of deliberate road rage, and so the accident was not an "accident." Your hospital bills pile up, you are too injured to go back to work, and your insurance company has deserted you.

For 60-year-old Ethel Adams from Seattle, that nightmare scenario became a horrifying reality in 2004. She had a \$2 million policy with a subsidiary of insurance giant Farmers, the nation's third largest personal insurance group. However, the company denied her claim under the tortured logic that it was never an "accident."

Adams' insurance company, Farmers, was in the business of denying

claims as a way to boost its bottom line. Farmers even ran an employee incentive program, "Quest for Gold," that offered incentives, including \$25 gift certificates and pizza parties, to adjusters who met low payment goals. One Farmers' executive told claims representatives to stop paying claims, saying, "Teach them to say, 'Sorry, no more,' with a toothy grin and mean it."

Some of the nation's biggest insurance companies—Allstate and AIG, among others—have earned reputations as aggressive claims fighters in an attempt to boost their bottom lines. Allstate gave employees who denied valid claims rewards such as portable fridges, and used a "boxing gloves" approach to policyholders who refused to accept lowball offers.

Ethel Adams eventually prevailed after Farmers' denial sparked an outcry and intervention from the state insurance commissioner. However, for many others whose valid claims have been denied, there is no such luck.

An attorney can help you avoid these insurance company tactics. We deal with insurance companies all day every day, and are aware of their procedures.

If you've been injured in an accident, you need help. Call our office today to set up your free, no-obligation case evaluation.

Dog Warden, cont. from page 1

Dale pointed out in his speech, understandably left dog wardens confused. Looking at the two decisions together, it appears that a hearing process is required before labeling any dog other than a pit bull vicious. Dale suggested that the dog wardens consider an administrative hearing process modeled roughly after the red-light camera hearings that are being conducted in communities across the state. A short hearing, where people had a chance to be heard in front of a neutral party,

could address the Court's requirements, Dale contended.

"An administrative hearing process would allow dog wardens to continue protecting their communities to the extent possible from dogs that have proven themselves to be vicious while satisfying the concerns enunciated by the Supreme Court," Dale said.

Lucas County Dog Warden Tom Skeldon, who is very active in the statewide organization, said the Court's decisions have created significant hurdles for his fellow wardens.

"There are seasoned dog wardens like myself who understand the issues and surrounding procedures, but there are a lot of young, new dog wardens who don't," Mr. Skeldon said. "Dale Emch explained those to us and gave us ideas on how to handle the hurdles we face."



A Note to Our Readers Charles E. Boyk Law Offices, LLC has created this newsletter for our clients, friends, and colleagues to provide general and practical information. It is not intended for legal advice and should not be viewed as a solicitation. We hope you find this publication to be a helpful and valuable addition to your mail. However, if at any time you wish to be removed from our mailing list, or update your contact information, please contact Anneke at 1.800.637.8170 or via email at akurt@charlesboyk-law.com.

Have you or someone you know been bit by a dog? Order your FREE copy of *The Ohio Dog Bite Book* by calling 800.479.8203, code 8225 or visit www.ohiodogbitebook.com.

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RETURN SERVICE REQUESTED



New address or phone number? Help us stay current by letting us know! Call Anneke at 419.720.4452 or email her at akurt@charlesboyk-law.com

Aunt Edwina's Belly-Busting, Beat the Cold Chili

Ingredients:

- 1 lb. ground beef • 1 onion, chopped
- 1 pkg. fresh mushrooms
- 1 (14.5 oz) can stewed tomatoes
- 1 (15 oz.) can tomato sauce
- 1 (6 oz.) can tomato paste
- 1 (15 oz.) can chili beans
- 2 Tablespoons cumin
- 3 Tablespoons chili powder
- Shredded cheddar cheese, optional

1. In a large saucepan over medium heat, sauté beef, onion, & mushrooms until cooked. Add mixture to crock pot.

2. Add remaining ingredients to crock pot. Stir well. Cook on low, covered, 4 hours or until hot. Sprinkle each serving with cheddar cheese. Enjoy!

Trying to stick to your New Year's Resolution? Try ground turkey instead of ground beef!



Perfect for Super Bowl parties!



2009 Calendar Magnets are here!

FREE Key Return Program key tags still available



Free movie tickets and a surprise gift to anyone who sends in a legal question to Attorney Dale Emch for consideration in his column "Legal Briefs."

Questions can be sent to 405 Madison Ave., Suite 1200, Toledo, Ohio 43604 or demch@charlesboyk-law.com.

Contact Anneke at 419.720.4452 to request any of these **FREE** items

Cases of Interest our office is handling

81-year-old woman is attacked from behind by a German Shepherd, causing her to fracture her ankle and spend three days in the hospital.

43-year-old man and his 2-year-old daughter are rear-ended on the campus of the University of Toledo, causing need for knee surgery for dad and ER visit for the little girl.

49-year-old UPS driver needs surgery on wrist, including multiple pin placements, after he rear-ends truck that did not have its taillights on.

Husband and wife are rear-ended at 60 miles per hour, sending unconscious wife to hospital by life flight, and husband by ambulance. Both suffered injuries to neck, back and shoulders.