

NEWS YOU CAN USE

PERSONAL INJURY



Every Two Minutes, a Person Is Injured in a Drunk Driving Crash. **ARE YOU A VICTIM?**

In every state it's illegal to drive while under the influence of drugs, alcohol or any combination of these. However, the laws and penalties vary by state. But if you are hit by someone under the influence of drugs or alcohol, here is what you should know: **Drunk drivers who cause car accidents are subject to not only criminal prosecution, but can also be sued in civil court for injuries they might cause.**

If you or a loved one has been injured or killed by a drunk driver, you are entitled to compensation. Under criminal law, the victim may be due compensation under a Crime Victims Compensation Act for medical bills. Under civil law, the victim is not only entitled to compensation for medical expenses, but also for pain and suffering and wages lost as a result of the injuries sustained in the accident. If the drunk driver causes a death, the family can pursue a claim on the decedent's behalf for the loss of the loved one's life.

What the Prosecution Has to Prove

To get a DUI conviction at trial, the prosecution must prove beyond a reasonable doubt that the defendant was:

- under the influence, and
- driving or operating a motor vehicle.

Proving the Motorist Was "Under the Influence"

The main difference between a per se and an impairment DUI is how the prosecution proves the driver was "under the influence." Here's how it works.

Per Se DUIs

With a per se DUI, the prosecutor just needs to show the person was driving with a certain amount of drugs or alcohol in the body – proof that the driver was actually impaired or affected by the substance ingested isn't necessary.

In every state, a motorist can be convicted of a per se DUI for driving with a blood alcohol concentration (BAC) of .08% or more (.05% or more in Utah). For those under the age of 21, the limit

is typically much lower. Some states also have per se drug DUIs. In these states, motorists with a certain concentration of drugs in their systems are deemed to be under the influence.

To prove an impairment DUI, on the other hand, a prosecutor must show the driver was actually drunk or stoned. The level of impairment that the prosecution must prove varies by state. Laws in some states say a driver is under the influence if affected in any way by drugs or alcohol. Other states require proof that alcohol or drugs had an appreciable or substantial effect on the driver.

Some states even have two levels of impairment DUIs that carry different penalties. In New York, for instance, a motorist can be convicted of an offense called a "DWAI" (driving while ability impaired) for driving while impaired "to any extent." But a motorist who is impaired to a "substantial extent" can be convicted of a DWI (driving while intoxicated) – a more serious offense that comes with greater penalties.

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Letter From Jan

While the rate of drunk driving fatalities has decreased 9% over the past decade,

more than 10,000 people still lost their lives due to DUIs. The consequences are severe. Drunk drivers who cause car accidents are subject to not only criminal prosecution, but can also be sued in civil court for injuries they might cause.

According to the National Highway Driving Administration (NHDA), for the past decade, distracted driving has taken U.S. roadways by storm, endangering not only distracted drivers, but also their passengers, and all others on the road. In fact, distracted driving claimed 2,841

lives in 2018 alone. Among those killed: 1,730 drivers, 605 passengers, 400 pedestrians and 77 bicyclists. We hope you will take the time to get the facts, get involved, and help us keep America's roads safe. If you or someone you know has been in a distracted driving incident, contact Jan Dils, Attorneys at Law, IMMEDIATELY for a free consultation: visit jandils.com or call 877.526.3457. The driver will attempt to build a case. You can bet ours will be stronger.

Sincerely,

Jan Dils brings her expertise to issues that affect you and millions of other Americans every day. While her knowledge spans the critical areas pertaining to Personal Injury, Veterans benefits, Social Security disability benefits and related appeals and claims, her practice remains focused on people, making sure you get the right answers and results.



Mindful MATTERS

Over the last month, we've been discussing habits and how to create new healthier behaviors. We often feel the need to "go big or go home." The problem with that mindset is that it can often lead to failure because we're putting unrealistic expectations on ourselves. Instead, we've discovered the Tiny Habits method, developed by BJ Fogg, a behavior scientist at Stanford University and author of the new book *Tiny Habits: The Small Changes That Change Everything*.

Tiny Habits can be broken down into three simple steps:

STEP 1 Find a new habit you'd like to

create. Now scale it WAY back so that it's tiny and easy to complete. So small you have no excuse not to accomplish it – even on your busiest days. Example: If you want to read more, start by reading just one paragraph a day.

STEP 2 Find something that fits into your existing routine. Ask yourself, "What would this habit come after?" If you chose to read more, then the perfect time might be when you sit down to relax in the evening. Crack open the book and read just one paragraph before watching TV. You can always read more than one paragraph, but the habit remains tiny.

STEP 3 In addition to making your habit tiny and then using an existing

routine to remind you, is to hack your brain by calling up a positive emotion. You can do this by celebrating your accomplishment. No matter how small, all accomplishments are worth celebrating. Do a little dance, fist pump or sing a song in your head. Whatever helps you feel successful.

So, let's break that down. First, you have the motivation to do the behavior. Then the ability to do the behavior. And lastly, prompt. The prompt is anything that reminds you to do this behavior NOW. When all three things come together, a new behavior forms. Give it a shot, and let us know what you think by sending us an email at information@jandils.com, or send us a message on Social Media!

RECREATIONAL SPOTLIGHT

Blennerhassett Island

Located on a small island on the Ohio River, Blennerhassett Island Historical State Park features a Palladian-style mansion and museum of regional history, once home to wealthy Irish aristocrats Harman and Margaret Blennerhassett. This unique state park is accessed by a sternwheeler riverboat from Point Park on 2nd Street in Parkersburg, West Virginia, and is said to be visited by more than 40,000 people each year. The island is open from the first of May until the end of October each year. Guests should expect three hours to fully tour the island – this includes the sternwheeler ride to and from the island.

“Over the past several years, my family has taken many trips to Blennerhassett Island in the summer. My kids love the thrill of riding over on the sternwheeler and riding the horse-drawn carriage round the island and learning about the island's rich history. Our personal favorite experience is the Mansion by Candlelight. For two nights in October, they shut off the power to the island and take you back to the year 1805. You really get a sense of what life was like at the end of the 18th century.”

- Heather Riffle, Leads & Intake Team Lead





To Text or Not to Text?

The second article is something we cannot stress enough. Don't text and drive. Laws vary from state to state, but no matter what your specific laws allow, look away and it can take less than five seconds to have an accident.

Almost all states prohibit text messaging while driving. In most of these states, you can be pulled over and cited for texting as a primary offense. As with cellphone restrictions, some state laws provide exceptions for drivers using technologies for texting that are entirely voice operated.

Using GPS

The laws of many states prohibit most electronic device use while driving. But a number of states have specific exceptions for GPS units. The details of these exceptions vary by state. For example, some states allow units that are mounted in the vehicle as long as the driver only has to use one tap or swipe to turn the unit on and off.

General Distracted Driving Laws

A number of states also have catch-all distracted driving laws that apply to any activity – including cellphone and electronic device use – that could substantially interfere with the motorist's ability to drive safely. Under these more general laws, drivers can be cited for activities such as putting on makeup,

reading the newspaper, and the like.

More restrictive laws for younger drivers. The majority of states have enacted special cellphone driving laws for novice drivers (for example, those with a learner's permit) or young drivers (such as those under the age of 18). These laws typically prohibit these underage drivers from all cellphone or electronic device use while operating a vehicle – including devices that are equipped with hands-free technology. In most of these states, the laws allow for primary enforcement. Underage drivers

might also face more severe penalties, such as license suspension, for a distracted driving violation.

School bus drivers. Many states have banned school bus drivers from using cellphones while passengers are present. Some of these laws apply to all device use – regardless of whether in hands-free mode. However, the bus driver restrictions typically contain exceptions for dispatch communications and the like. Depending on the state, school bus drivers who violate distracted driving laws may face the loss of their school-bus certification and criminal penalties that could include jail time.

Commercial drivers. Commercial drivers are subject to state and federal regulations. Under federal law, distracted driving violations are generally considered "serious violations." Having multiple serious violations within a three-year period will result in commercial license revocation.

Getting an Attorney's Opinion about Your Case

It's difficult for someone with no legal experience or training to assess the strengths and weaknesses of a DUI case. DUI law is complicated and constantly changing, and the facts of every case are unique. So, getting the opinion of an experienced DUI lawyer can be valuable.

Contact us at jandils.com.

Sources: www.nolo.com/legal-encyclopedia/cell-phones-texting-driving-state-laws-29774.html
www.nolo.com/legal-encyclopedia/free-books/beat-ticket-book/chapter8-5.html?utm_source=nolo-content&utm_medium=nolo&utm_campaign=nolo-related-products

Cinco de Mayo Taco Pie

Take 5 and celebrate this savory favorite by Leads & Intake Specialist **Kerri Nichol**.

INGREDIENTS:

3 lbs of ground beef

2 packets of taco seasoning

1-2 can(s) of Rotel® tomatoes with green chilies

1 large can of cream of mushroom soup

1 cup water

Flour tortillas

1 can of refried beans (optional)

Shredded cheese of your choosing



DIRECTIONS: Brown the ground beef and drain. •Add taco seasoning, Rotel® tomatoes (2 cans if you like super spicy), cream of mushroom soup and water, and bring to boil. •Reduce heat and simmer. •In a 9X13 baking dish, spray with cooking spray or lightly coat with butter. •Place flour tortillas in the bottom for the crust. •Layer in the refried beans on top of the tortillas (it is easier to spread if you microwave for one minute). •Layer in the taco meat mixture. •Top with shredded cheese. •Add another layer of the tortilla shells, refried beans, meat and cheese. •Bake 350° for about 40 min. (I like the cheese to be golden in color on top). •Let sit for about 5-10 minutes. •Cut it like you would a cake. •Top with shredded lettuce, tomatoes, sour cream and salsa before serving.

**Side note: The cream of mushroom soup is not something you would normally associate with tacos, but I promise this is what makes the dish.*



PERSONAL INJURY • VETERANS DISABILITY • SOCIAL SECURITY DISABILITY

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Continued from cover story

Impairment DUI laws typically apply to legal and illegal substances alike. So drivers can be charged even if they have a doctor's prescription.

The Consequences of a DUI Conviction

Unlike most other driving-related violations, DUIs are generally considered criminal offenses. Most DUIs are misdemeanors, but offenses that involve significant aggravating factors can be felonies.

DUIs tend to carry heavy penalties that typically include license suspension, expensive fines and possible jail time. It's also becoming more common for state DUI laws to require convicted motorists to use ignition interlock devices for a period of time following license reinstatement. But what does that do for you, the victim?

Talk to a Lawyer

Every day, about 28 people in the United States die in drunk-driving crashes –



that's one person every 52 minutes. In 2019, these deaths reached the lowest percentage since 1982 when National Highway Traffic Safety Administration (NHTSA) started reporting alcohol data – but still 10,142 people lost their lives. These deaths were all preventable.

If you or someone you love has been injured or killed by a drunk driver, you deserve compensation – your justice. Talk to a compassionate, knowledgeable lawyer that will put your family first. Call 877.526.3457. We are here for you!