

Sober advice: A host of complications can attend holiday parties

BY CATHY LUBENSKI
Copley News Service

Red is a popular holiday color — think poinsettias and Santa's suit — but red isn't cheerful when it comes from a flashing light on a highway patrol car if you've been driving after drinking too much alcohol.

Inebriated drivers face some unpleasant legal consequences and, if someone is harmed because of their actions, add the loss of driving privileges, the possibility of jail time and a lifetime of guilt, regret and sorrow.

This is the time of the year when homeowners throw open their doors to families and friends to celebrate. From spiked eggnog to champagne toasts, drinking is often tied to those festivities, bringing a greater possibility that a guest may hit the road after too much imbibing.

But few of us ever think about the person who serves that drunken driver an overload of alcohol — you or me, maybe, at a holiday party we're hosting.

"If you have a Christmas party and you continue to serve an obviously intoxicated person and they injure a person, the lawyers are going to come after you. They're going to

get every penny of homeowners insurance you have; then they're going to go after everything else you have to make up the difference," said Kerry Steigerwalt, a criminal defense and personal injury lawyer who practices in San Diego. "And, in a case like that, your home could be sold to make up the damages."

Homeowners who plan to party this holiday season, or who party a lot the rest of the year, should check their homeowners policies to see how much liability insurance they have.

A survey of 1,000 people across the country, sponsored by the Independent Insurance Agents and

People can be held liable for accidents or injuries caused by someone who overimbibed at a party they were hosting. Enough insurance may be the key to protecting the party giver's home.

Brokers of America, found that a majority of those who participated (62 percent) believed they weren't liable for accidents or injuries caused by someone who overimbibed at a party they were

hosting.

But the host can be held liable, and if so, enough insurance may be the key to protecting the party giver's home.

"If you do party it up, you may consider looking into greater liability coverage because you could be sued ... this could happen to you," said Tully Lehman, a spokesman for the Insurance Information Network of California in Los Angeles. The chances of being involved in an alcohol-related accident are growing annually, according to figures from Mothers Against Drunk Driving.

"The holidays are the heaviest travel season of the year," said Charissa

"If you're the host, one of your objectives is to see to the safety of your guests," Lehman said.

And, of course, it's important "to make wise and rational decisions" about serving alcohol at parties, Steigerwalt said, but "it's also wise to consult with your insurance agent and consider upping your umbrella liability policy to \$1 million, which should cost about \$1,000 a year," he added.

"You're not only protecting yourself and your home, but consider the poor individual who might be injured by your mistake and deserves to be compensated."

Criminal vs. civil

Of course, before damages are awarded, a case against the homeowner has to be proved and that can be difficult, but several states have already adopted "social host" laws that make it easier to criminally prosecute the person who's pouring the drinks.

Until even broader social host laws are enacted, though, "it's very difficult to actually prosecute" someone who's served too much alcohol, Lehman said. "You really need to catch them in the act of

doing it."

But homeowner-hosts need to remember that there's a lower standard of proof in civil court.

"O.J. Simpson is a good example," Steigerwalt

rule is just not to drive when you're drinking."

Lehman of the Insurance Information Network of California stresses that it's important to know your guests.

A blanket invitation, like the kind posted on a bulletin board inviting the office to a party at your home, is not a good idea.

said. "A criminal jury wasn't convinced that he was guilty and he was acquitted, but a civil jury found him liable at a lesser standard. Is it more likely or not that he's responsible for Nicole's (and Goldman's) death, was the question they had to answer. They decided the answer was yes."

With the reduced proof needed in a civil court, Steigerwalt said, "Nine times out of 10 the lawyers will prevail, and the insurance companies will have to pay. If that's not enough, they'll go after everything you own."

"Most people don't know when they've reached their threshold when drinking, but the law says that the legal (blood alcohol) limit is .08. A golden

"Check over guest lists, make sure you're familiar with the people you've invited so that you know what you're getting in the way of behavior. If you're not familiar with all the guests, you need to have a heightened sense of awareness of people's behavior when they're drinking."

A blanket invitation, like the kind posted on a bulletin board inviting the office to a party at your home is not a good idea.

"The best policy is to always exercise caution," Lehman said. McAfee of MADD said it's also important to plan ahead if you're going to drink at a social event. Have a place to stay, know the phone numbers of cab companies, or have a designated driver.

Have yourself a merry blended Christmas

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Figures from the 2000 census indicate that 67 percent of all families are "blended." With custody issues, logistical problems and emotional baggage left over from divorce, it's easy to see why the holiday season can be difficult, says psychologist Stephan B. Poulter.

Poulter, a divorced dad himself, offers these tips:

- Accept the custody agreement. Sure, it's hard to be away from your child on Christmas. But this is not the time to fight it. Your child loves his other parent as much as he does you. He doesn't deserve to have his holiday ruined by parental fighting.

- Paint the "split holiday" in a positive light. Your child may feel dejected about having to spend half her Christmas break with you and

half with her other parent. But if you put a good spin on it, that's less likely to happen. Don't make bitter remarks or roll your eyes when your ex's name comes up.

- Plan and communicate. What do you do when four sets of grandparents want your family to have Christmas Day at their house? How do you ensure that your child doesn't get duplicates of his "if I don't have it I'll die" gift?
- Don't overschedule. If your child is spending every other day on a plane or in a car being shuttled from Mom's to Dad's to Grandma's to another Grandma's, she will not enjoy the holidays. Neither will you.

- Yes, you should buy gifts "from your child" to your ex. Your child loves his other parent and wants to give him or her a gift. Buy the gift on your child's behalf.

Warm Wishes for a Happy Holiday Season!

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