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# Texas Law Alert

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## Avoiding Car Accidents



If you've been injured in an accident, obtaining just compensation for your injuries is important. However, most people would agree that it is always better to avoid being injured in the first place. This is especially true when you are behind the wheel of a car, because car accidents can be the source of some of the most debilitating injuries that you can suffer.

Some of the things that we should do to avoid a collision are obvious: slow down, do not follow too closely, keep your eyes open, and take into account the weather and the traffic conditions when you drive. Make sure that your car is in good condition. Frequently, accidents are caused by bad brakes, balding or defective tires, or other maintenance problems. Also, don't get angry at other drivers, which can lead to road rage and aggressive driving.

### Not So Obvious.

However, there are a number of other tips that may be less obvious, but which can also help keep you safe. Many collisions occur when someone is turning

or when vehicles have to stop and start. This makes traveling through intersections the most dangerous part of driving and, in fact, most collisions occur at intersections.

When you come to an intersection, take your time. Check all oncoming traffic for the driver who may be running a red light. Check each direction twice-you

will be surprised how many times you will have missed seeing a car or motorcycle hidden in a blind spot the first time around.

### Intersections

Don't be the first one into the intersection when the light turns green. Make sure that the vehicles

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## If You're in a Car Wreck, Here's What Our Firm Can Do for You

- Evaluate any bodily injury claim to determine the amount of money to which you are entitled.
- Help you with the property damage portion of your claim.
- Resolve complex issues and negotiate an overall settlement.
- Deal with your doctors, obtain your medical records, reports, and billing statements, and notify medical care providers as to whom to bill.
- Have an investigator interview witnesses, take statements, and photograph the accident scene and your vehicle.
- File a lawsuit, if necessary.

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# Motorcycle Riding: Keep the Thrills, Avoid the Spills

The vision of driving down a country road, with the wind blowing through your hair, atop a large motorcycle is an attractive one for many people, and the number of motorcycles on America's highways is growing. Although motorcycles share the road with cars and trucks, and although they are subject to the same traffic laws as other vehicles, the fact is that collisions involving motorcycles are different from, and are often more serious than, automobile accidents.

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*Motorcyclists should make sure that the helmet they choose has been approved by the Department of Transportation*

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## The Stats

In almost half of all collisions involving motorcycles, the fault for the collision lay with the driver of the other vehicle, who failed to yield the right of way to the motorcycle. The small size of motorcycles also makes them more vulnerable to road hazards that even a small car could pass over safely. Motorcycles are more maneuverable than cars, and riders can sometimes put themselves into unsafe positions that drivers of cars cannot.

The greater number of motorcycle accidents means that motorcyclists are also much more likely to be injured or killed in a collision than is someone riding in a car or truck. According to the National Transportation Safety Board, a motorcycle rider is 18 times more likely to die in a collision than is someone in a car, and far more likely to suffer serious injuries. Some 80%

of motorcycle collisions result in injury or death, and the fact that the motorcyclist may not have been at fault is of little comfort.

## Traumatic Brain Injuries

A common kind of serious injury associated with motorcycle accidents is head injury. Traumatic brain injuries, such as the closed head injuries that result when an impact causes the brain to hit the inside of the skull, cause over a third of the injury deaths in the United States. Since motorcyclists are often thrown off of their bikes in a collision, such injuries are 10 times more common in motorcycle accidents than in other vehicle accidents.

## Safety First

Studies have shown that the number one way to prevent these serious injuries is the most obvious one—WEAR A HELMET! Motorcyclists should make sure that the helmet they choose has been approved by the Department of Transportation. If it has, it will have

a sticker on it saying "DOT." When California enacted a mandatory helmet law for motorcycle riders, it saw the number of motorcycle crash fatalities decrease by over 30%. Heavy riding boots, gloves, vests, and long pants can also protect riders if they do crash.

Motorcyclists need to take extra care when riding. They should drive safely (as should all drivers), and they should wear the appropriate protective gear. Motorcyclists also need to understand the special problems that their vehicles present for others on the road, and they should ride especially defensively.

However, motorcycle safety is a two-way street. Drivers of other vehicles need to "drive aware" and keep a careful eye out for motorcycles. Motorcycle riders have the same right to use the same road that car drivers do, and this right should be respected. Other vehicles should give motorcycles a wide berth. While a small tap with the bumper likely will not hurt a large SUV, it is potentially fatal to a motorcyclist.

## Cycle Accident Checklist

- ✓ Call the police and an ambulance, if necessary.
- ✓ Get the name, address, and insurance information of the parties involved and any witnesses.
- ✓ Write down the make, model, year, and license number of the vehicles involved.
- ✓ Take pictures of the damage to your motorcycle before it is repaired.
- ✓ Do not make any statement about the accident to anyone but the police.
- ✓ Do not apologize or admit fault.
- ✓ Do not argue with the other driver.
- ✓ Call our office to discuss your case.

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# Prescription Drug Safety

Although our doctors and our pharmacists make every effort to ensure that the drugs we are prescribed are safe, some basic information will help you to help them keep you safe.

## Inform Your Doctor

When you go to the doctor, make sure that he knows all of the medicines you are taking, whether prescription medicines or over the counter medicines. The number one medical problem associated with prescriptions is adverse drug interactions, and knowing the drugs you take can help the doctor prescribe the appropriate medicine.

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*Make certain that the medicine you get from the pharmacist matches what the doctor prescribed*

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Make certain that the medicine you get from the pharmacist matches what the doctor prescribed. The handwriting of doctors is often hard to read, and mistakes can happen. Determine the medicine that the doctor prescribed, and then make sure that you are, in fact, given that medicine. If the prescription names do not match, ask questions.

## Ask Questions

Ask how many times each day to take each pill, whether it should be taken with meals or between meals, and so on, and make sure that you understand the instructions before leaving the pharmacy. If you look at many prescription labels, you will see that doctors and

pharmacists often use old-fashioned Latin abbreviations in their directions and, unless you happen to know that "p.r.n." is an abbreviation meaning "take as needed" or that "b.i.d." means "take twice each day," it is easy to become confused.

Keep your medicines away from children (child-proof caps are a good idea), and keep track of the medicines you have been given. If you are taking multiple medications, a chart or a "day-by-day" pill box might be useful to ensure that you take the pills only as often as you are supposed to. DO NOT ignore the directions for use-take

medicines exactly as prescribed, no more and no less. If you believe that the medication is not working as it is supposed to, call the prescribing doctor.

Finally, if you feel that you are having an adverse or abnormal reaction to a medicine that you are taking, call your doctor or an ambulance, depending on the severity of the symptoms. There are so many medicines available today, all of which interact with one another and all of which affect different people in different ways, that an adverse or abnormal reaction may be the first sign of a serious medical problem.

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# Insurance Company Secrets

When dealing with insurance companies, it is important to understand a few of their secrets so that you can get the settlement you deserve:

- Insurers make money in part by denying you benefits. They may try to discourage you from seeking medical treatment (especially from chiropractors), or they may tell you that rental car coverage is limited to a set number of days. In most cases, this is not true, and, if you are not at fault, you are entitled to have all of your reasonable damages and expenses covered.

- Insurance companies track every claim you make. When dealing with an insurance company, assume that it knows the history of every claim you have ever made, even if a claim was with a different company.
- The adjuster is not your friend. Despite his protests, he is not there to help you—he is there to reduce the insurance company's payment as much as possible. You are also not required to give an adjuster a recorded statement or a medical authorization. If you feel you are not being treated fairly, it may be time to get an attorney involved.

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## Car Accidents

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clearing the intersection before you are not towing one of those difficult-to-see low trailers. Use hand signals, such as a wave, to communicate your intentions to other drivers. When in doubt, wait to enter the intersection until you are sure that you can do so safely.

## Parking Lots

Parking lots can also be dangerous. In a parking lot, treat the lines painted on the pavement the same way that you would treat the lines painted on a road and obey them. Don't cut across rows and keep your head on a swivel to look out for the person who is not following this rule. Travel up and down the rows only in the direction marked and treat the end of a row as if it is an intersection on the road. Be especially careful

when you back out of a parking spot. Be sure to "clear the rear" before you back up in order to avoid hitting pedestrians (especially small children, who often run ahead of their parents).

## Blind Spots

Remember blind spots, yours and theirs. Many collisions that occur in a lane of traffic happen when a driver tries to change lanes or tries to merge without checking his or her blind spot. Always check your blind spot before changing lanes and do not drive in another driver's blind spot because the other driver might not be so careful. Take special care around trucks, which have a very large blind spot. The sign on the back of many trucks, saying "if you can't see my mirrors I can't see you," is correct, so be sure you can see their mirrors. Even if you have the right of way, nobody wants to get into a collision with an 18-wheeler.

## Taking Care in Neighborhoods

Finally, take special care when driving in residential neighborhoods. The speed limit may be 35 miles per hour, but that does not mean that you have to go that fast, especially if you think it is not safe to do so. A neighborhood has children and pets, both of whom may dart into traffic without looking, so you have to look out for them. This is especially true where cars are parallel-parked by the side of the road. A child can be hidden behind a car, and it may be too late to stop if you don't keep a sharp lookout. Because so much of driving safely depends on what the other driver is doing, there is no certain way to guarantee that you will never be in a collision. However, by exercising proper care and using good sense, you can greatly reduce your chances of being hurt in an avoidable accident.

*Actual resolution of legal issues depends upon many factors, including variations of facts and Texas law. This newsletter is not intended to provide legal advice on specific subjects, but rather to provide insight into legal developments and issues. The reader should always consult with legal counsel before taking action on matters covered by this newsletter.*

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