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Texas Law Alert

Summer 2017

Boating Accidents

Spending time on the lake is a summertime tradition for many Texans. But while these can be fun times, it's important that water safety also be on everyone's mind.

The injuries caused by boating accidents are as serious as any that occur on land. They can involve collisions between boats and between boats and personal watercraft like jet skis and Sea-Doos. In 2015, the U.S. Coast Guard counted 4,158 accidents that resulted in 626 deaths, 2,613 injuries, and approximately \$42 million dollars of damage to property. Injuries can include everything from broken bones to head and spinal cord injuries, and drowning.

More often than not, these accidents and fatalities are avoidable. Leading causes include the boat driver not paying attention or cruising at excessive speeds. Alcohol has also been reported to be the leading contributing factor in fatal boating accidents. The harsh reality is that such fatalities and injuries aren't limited to a certain gender or age range. Bottom line: Taking the proper precautions is key.

Boater Education

Seek proper training if you will operate a boat or personal watercraft this summer. The U.S. Coast Guard, 71 percent of deaths occurred on boats where the operator had not received boating safety instruction. Conversely, 15 percent of deaths occurred on vessels where the operator was certified.

Mandatory boater education is required for anyone born on or after September 1, 1993 to operate a personal watercraft, sailboat over 14 feet, or motorboat with a motor greater than 15 horsepower.

Take Extra Care

Many people assume operating

a boat or other recreational watercraft is the same as driving a car. It's not, and by not being mindful of these differences, you can cause bodily harm to not only yourself, but innocent bystanders who, just like you, are there to have a good time.

Be aware of your own strengths and weaknesses, and remain mindful of other boaters or fixed obstacles that may be in your path, such as rocky areas or a dock. Make sure everyone in your vessel is wearing a life jacket, whether they are operating it or just there to hang out. If everyone obeys these simple rules, it can make being on the water less dangerous and more like the fun getaway it's supposed to be.

Boating Do's & Don'ts

- DO wear a lifejacket at all times
- DONT consume alcohol or take drugs of any kind
- DO know the water and environment you are in
- DO keep a balanced load in the boat at all times
- DONT overload your boat
- DONT travel at excessive speeds
- DO pay attention at all times to your boat and those around you
- DONT stand or sit on the edges of the boat while it is moving
- DO follow the rules of the lake
- DO check the weather before you head out on the lake

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Swimming Pool Accidents

The scene is common this time of year: Friends and family sitting poolside in the backyard with hamburgers and hot dogs cookin' on the grill, music blaring country or rock tunes, and the harmonious sound of children laughing. On a hot summer day in Texas, nothing beats a refreshing dip in your own pool. But where there is fun, there are also hidden dangers.

Every year, hundreds of children drown in swimming pools and thousands more are treated for injuries caused by near-drowning. At last count, the Centers for Disease Control reported that an average of 10 deaths each day are the direct result of accidental drownings. What's more about one in five people who die are children

14 and younger.

If you plan to have some fun at the pool this summer, plan for safety. Children should always be supervised by adults, and younger ones should be wearing life jackets or another flotation device.

The owner of the property should check for hidden dangers guests might not see, including loose pool tiles, unlocked gates, or defective pool equipment. For example, the pool's gas heater could blow up, the cover on the pool's drain could catch the foot of an unsuspecting swimmer, or the pool's slide could collapse. Pool owners should also take the time to learn CPR and install child-proof fences and pool alarms.

If you or a loved one has been injured in a pool accident, you may have a legal claim for damages. Claims can range from premises liability claims to those involving product liability. You will need an experienced and caring lawyer to help you first determine who is responsible for the injury and then to prove it. Call us.



Children and Swimming Lessons

Swimming pool safety is especially relevant when children are involved. Every year, hundreds of children drown in pools, and thousands more are treated for injuries caused by near-drowning. All it takes is for a parent or supervising adult to look away for one second and a child walking too close to the edge of a pool can slip on the wet deck and fall in.

Summer should be a time when children can enjoy splashing around, which is why parents should enroll their children for swimming lessons. Practically every city in North Texas has at least one reputable organization that offers swimming lessons for children. Beyond teaching the rules of pool safety, swimming lessons give young swimmers confidence in the water as well as improved strength and coordination.

We strongly suggest that even with this important training, parents should never get lulled into a false sense of security when it comes to a child's ability to swim. Youngsters need to be supervised at all times.

Thanks for the Referrals

Despite this modern age of marketing and advertising, the best source for our business remains word of mouth. We are grateful that many of our clients and friends feel confident in recommending our firm.

Unfortunately, when people need a good lawyer, they often do not know where to turn. If you or someone you know has been injured and needs legal help, call us.



ATVs And Your Safety

Summer safety isn't just about taking precautions on the water. All-Terrain vehicles, or ATVs, are a staple of rural life in Texas and the seemingly perfect addition to any family summer getaway. As the name implies, ATVs – quads, quad bikes, three-wheelers, or four-wheelers – can handle all terrain and riders operate these vehicles like a motorcycle. They are fun to ride and you don't need a driver's license to operate one in Texas. All this sounds great, but because they are so much fun, the dangers of ATVs are often overlooked by many of us.

One wrong turn across uneven terrain can force an ATV to tip over and pin an unsuspecting driver

underneath it. Drivers have also been thrown several feet from an out-of-control ATV, resulting in traumatic brain injuries to spinal cord damage, neck fractures, dislocations, and broken bones. Some of these injuries can be catastrophic and cause life-changing medical problems. The Consumer Product Safety Commission has warned that ATVs rank among the top deadliest products in the United States. Texas is tops on that list with 698 deaths annually.

If you are going to be driving one this summer, take note of these important safety tips to reduce the threat of injury:

- Do not allow a child under 16 to drive or ride an adult ATV
- Do not drive ATVs with a passenger
- Wear a helmet and protective gear (eye goggles, boots, gloves, long pants)
- Take a safety course and do a pre-ride inspection
- If you are going to ride, ride in groups
- No drinking
- Ride on designated trails
- Don't show off.



Bicycle Safety

Whether you are the bicycling enthusiast who ritualistically joins up with a group of friends in the early-morning hours for a competitive jaunt down a long and winding rural road, or you're simply out for a leisurely spin around the neighborhood, you must know your role in staying safe this summer.

Traffic accidents involving bicycles are on the rise. Reports suggest Texas has the third highest number of bicycle accident related deaths in the nation. A lot of that is likely because of the rise in texting and driving, where motorists are not paying attention. There is also a belief that cyclists don't have the same rights to the road – that they should ride on sidewalks. But cyclists do have the same right to the road, and can also be at-fault drivers. Because of this, personal injury lawyers must be aware of the laws regarding bicycles and how they affect liability for motorists and cyclists.

Cyclists must adhere to the same rules motor vehicles are bound to. That includes stopping at stop signs and yielding to pedestrians.

Some cities require cyclists to ride in certain lanes or as close to the edge of the road as possible, and wear a helmet at all times.

Following these rules and general traffic laws will keep your percentage of fault low in an accident. It will also ease the burden on motorists, who can avoid accidents by having a better feel for what cyclists are doing.

On another note, it is no secret that when there's a crash between a car and a bike, cyclists generally come out worse for wear given the lack of protection. Injuries can include something as simple as a skinned knee to broken bones and head injuries. Knowing how to protect yourself is crucial.

Here are tips for cyclists to stay safe:

- Wear a helmet and stay visible with bright clothing
- Use proper hand signals to alert nearby motorists
- Ride in the same direction as traffic

Here are tips for motorists:

- If passing a cyclist, move to another lane at a safe distance
- Yield to cyclists as you would any driver
- Watch for cyclists who must maneuver around pot holes or debris

Lawnmower Accidents and Injuries

Summertime means most of us spend more time taking care of our lawns. But every year, lawnmowers are responsible for thousands of injuries, many to children. In fact, according to a 2015 ABC News report, more than 80,000 people visit emergency rooms annually due to mower accidents.

If you have been injured by a lawnmower, you may have a products liability claim against the manufacturer and others. These lawsuits tend to be highly technical, requiring detailed evidence from design and manufacturing experts concerning how the product was made incorrectly, how the process could have been handled differently, and how these failures were the cause of the injury.

It is difficult to deal with these cases alone. So call us. We look forward to discussing your case, and your options.



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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