

Mills Law Alert



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Texas Bans Texting While Driving

A teenage boy is driving down the road when he decides to grab his cell phone to text back-and-forth with friends. Suddenly, he's oblivious to everything around him. The law says not to text and drive – that it's dangerous – but nothing bad will happen. "After all," he thinks to himself, "I'm a great driver." He keeps texting and, as he gets more lost in the conversation, he doesn't see that the highway has gone from two lanes to one.

He looks up and thrusts his foot on the brake – but it's too late.

This is a scenario we preach against all the time to our children. But texting and driving isn't an epidemic specific to teenagers. From the busy mom trying to coordinate kids' practice schedules to the businessman running between appointments and the guy driving that 18-wheeler right next to you, we are all guilty of it. On September 1, Texas instituted a state-wide ban on texting and driving to protect us from ourselves, yet I am stunned every day by the number of grown adults on the road who are not in tune with how dangerous it is.

Every day, people die or are seriously injured in motor vehicle accidents involving some form of texting and driving. The Texas Department of Transportation reports one in five crashes involves driver distraction. Furthermore, drivers who use cell phones in their vehicles have a higher risk of collision than drivers who don't. A WFAA TV report stated that in 2015, Texas recorded more than 105,000 traffic accidents that involved distracted driving, including 476 fatalities.

The Mills Law Firm urges you to drive now and talk later. Whatever conversation you think needs to happen now is not more important than your own life – or the life of someone else. Put the phone down, or pull over.

The Texas "Texting" Ban

The ban, which was signed into law by Governor Greg Abbott on September 1, makes it illegal to use your handheld device to text while driving a car. A first time offender faces a fine of \$99. Repeat offenders face as much as a \$200 fine. If you kill someone as a result of texting and driving, you can face manslaughter and wrongful death charges.

Texas is now the 47th state with a state-wide texting while driving ban, though there are individual cities – such as Austin, which has a complete hands-free law – that have imposed stricter bans.

There are currently three types of cell phone ordinances, per TXDOT:

- Ban on all uses of wireless communication devices while driving.
- Ban on texting while driving.
- Ban on texting and other manual uses of wireless communication devices while driving.

Be mindful that you have an obligation when operating a motor vehicle to be completely aware of your surroundings. Texting and driving impairs that ability. If everyone obeys this simple law, fewer lives will be lost unnecessarily.

Solutions to Avoid Texting While Driving

- Use hands-free strategies (such as Bluetooth)
- Give your phone to a passenger, let them respond to a text on your behalf
- Install apps on your phone that disable/block texting while driving
- Store your phone in the glove box or in the back seat
- Turn your cell phone off
- Silence notifications on your phone so you aren't tempted
- If it's an important text, find a safe place to pull over
- Set an automated reply to texts when you are in the car

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Construction Site Accidents

Construction is the name of the game right now throughout the Dallas-Fort Worth area. From Denton to Dallas and McKinney to Irving, you can't drive down the road without seeing a building going up, workers paving a new road, or another interchange along the highway. What



we don't take into consideration is the fact that the hundreds of thousands of men and women who work tirelessly to complete these monolith projects put their bodies and lives at risk every day, and safety standards often take a back seat to the increased demand for better roads and bigger buildings.

The Mills Law Firm is committed to protecting the rights of construction workers everywhere. We represent clients who have suffered serious injuries in accidents ranging from malfunctions in equipment to others that include:

- Slips and falls
- Power tool accidents
- Equipment malfunctions
- Injury from falling objects
- Backovers
- Frostbite, resulting in loss of limbs
- Fires
- Repetitive motion injuries

These incidents can lead to life-altering consequences, including death. Workers compensation can handle some injuries, but when you aren't covered, or the accident is the direct result of employer negligence, you need someone to defend your rights and help you receive compensation to cover medical bills, physical therapy, and lost wages.

As a general rule, it is imperative that you prepare yourself as much as possible for the unexpected when in a construction zone. The onus for ensuring safety falls on the shoulders of not only the workers themselves, but also the employer, who is responsible for every inch of a construction site.

Here are a few tips to keep in mind to keep yourself and your employees safe and on the job:

- Wear a hard hat, glasses, and other protective gear at all times
- Inspect all equipment, including machines, ladders, and vehicles
- Inspect your area for potential dangers (i.e. holes, power lines, etc.)
- Employers should maintain hazard signs throughout the job site
- Employers should install guardrails or safety net systems where necessary
- If possible, never work alone
- Keep a first aid kit handy
- Employers should ensure all workers have been properly trained and certified

Bus Accidents

Every year, people travel on busses for one reason or another – whether it's to travel to visit family, head off to school or a group church activity, or an area high school sports team that needs to get to a game on Friday night. What you don't expect is for that bus trip to end in tragedy.

Unfortunately, that is often the case. According to the Federal Motor Carrier Safety Administration, 4,311 large trucks and busses were involved in fatal crashes in 2015, an 8 percent increase from the previous year. Many of these accidents involved everything from mechanical failure to weather and road conditions, driver error, and reckless driving by a drunk driver.

The pain for the victims' families is unimaginable, especially when most accidents could be avoided completely.

When a bus accident is caused by another party's negligence, you are entitled to compensation for lost wages, medical expenses, and pain and suffering. The ability to analyze these complex details, along with an extensive knowledge of the law, helps set The Mills Law Firm apart.

If you or a loved one was injured in a vehicle wreck, give us a call



Misfilled Prescriptions

How often do you think about whether or not your prescription is being filled correctly when you go to the pharmacy? If we had to take a guess, we'd say that thought doesn't cross the minds of many people, and the simple reason for that is trust. Just as we put our trust in doctors, we trust and take for granted that errors do not happen in pharmacies.

At the bottom line is this: every year, there are countless innocent victims who suffer serious injury, permanent disabilities, and even wrongful death as a result of misfilled prescriptions and pharmacy errors. These can include:

- A pharmacist misreading your doctor's recommended dosage
- A pharmacist mixing up prescriptions for two separate customers from the same doctor

- Two medications are spelled similarly
- The prescription isn't written legibly
- Lack of communication between the pharmacist and doctor
- Lack of training and education for pharmacy staff

Situations like these can happen anywhere, whether it be the small mom-and-pop drug store down the street that you frequent every week or a huge national chain. Before having a prescription filled by a pharmacist, make sure you have a conversation with your doctor to understand what exactly he or she is prescribing you, its benefits, and recommended dosage. When speaking to the pharmacist, ask them similar questions, and ask how they will go about filling the prescription.



Will they use a generic drug? Do they have any questions for the doctor?

If you find yourself facing a serious situation of misfilled prescriptions, having the right legal partner in your corner makes a difference. We have the necessary industry knowledge to handle everything from drug prescriptions and over-the-counter medications to compliance issues, product liability, and device fraud. Whatever it is, we are here for you.

Motorcycles and Your Safety



These issues arise from the simple fact that you as the driver are not protected the same as you would be in a car, making you far more vulnerable. Motorcycles are smaller and cannot be seen by larger vehicles or while driving at night. This makes it increasingly easy for an unsuspecting motorist to cut off or side swipe a motorcycle in the lane next to them without knowing it.

There are no shortages of motorcycles on today's highways. In Texas, a statistician reported that there were 387,149 registered motorcycles in 2015 – ranking Texas No. 5 behind California, Florida, Ohio, and Pennsylvania for the most in the nation. Luckily, people enjoy their motorcycles.

Just like with any type of motor vehicle, it is imperative you know the rules and safety hazards that, if not followed appropriately, could turn that fun excursion into a nightmare. Motorcycle accidents can cause serious bodily injuries, including something as minor as road rash to more catastrophic results such as broken bones, brain trauma, or death.

Remember that a person on a motorcycle is afforded the same legal rights as other drivers. Here are a few safety tips from the Texas Department of Transportation:

- Wear a helmet and other protective gear.

- Turn on your headlights and ride defensively.
- Avoid the center of the lane where debris and oil build up.
- Ride at a safe speed, and never ride if you've been drinking.
- Take a course to learn or reinforce safe riding techniques.

Other drivers need to keep an eye out for motorcycles and safely share the road:

- Look twice for motorcyclists at intersections, entering highways and whenever turning or changing lanes.
- Always maintain a safe following distance.
- When passing a motorcyclist, move to the other lane and allow a full lane for the motorcycle.

Thanks for the Referrals

Despite the modern age of marketing and advertising, the best source for our business is 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.

Theme Park Accidents

A sobering statistic caught my eye recently regarding theme park accidents. According to the U.S. Consumer Product Safety Commission, emergency rooms saw an estimated 30,000 injuries linked to amusement parks in 2016. That includes everything from minor injuries to tragic falls from rides, leading to death. If you break that down, that's just over 82 accidents per day – a much higher number than I ever imagined.



can occur when on a theme park ride:

- Brake failure
- Restraint system failure
- Inadequate maintenance
- Rollovers
- Fires
- Snapped cables
- Poor design
- Collisions

As you venture out for a fun day at Six Flags or the State Fair, the Mills Law Firm wants you and your family to be aware of your surroundings, your limitations, and the types of rides you choose to get on.

Unfortunately, amusement park regulations are inconsistent when it comes to regular inspections. On top of that, visitors to the park get so caught up in having fun that they don't think about their own potential health restrictions or that something simply doesn't seem right with that older ride they're about to get on. Accidents affect everyone from small

children who get on rides even when they aren't quite yet big enough, to teenagers and grown adults. And the results can change your family's life forever.

We strongly suggest making sure you are fully and safely strapped in before the ride begins to move. If you aren't, speak up. It is also important to know your health restrictions and to supervise small children at all times. Here is a brief list of the types of problems that

If you have been injured in a theme park, or a family member died as a direct result of a mechanical malfunction, you might have a wrongful death or premises liability suit against the manufacturer, the theme park, and others. These lawsuits tend to be highly technical, requiring detailed evidence from design and manufacturing experts about how the ride was made incorrectly, how it could have been done differently, and how all of these failures caused the injury.

It is tough to go at these cases alone. 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 development and issues. The reader should always consult with legal counsel before taking action on matters covered by this newsletter.

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