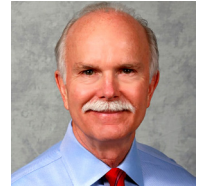


Mills Law Alert



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Intoxicated Drivers and the Dram Shop Act



We've all heard this scenario over and over again: A guy walks into a bar for a simple night out with friends and drinks entirely too much alcohol. His friends suggest that he slow down, but he insists he's fine and orders more rounds. Eventually, the bar closes. He pays his tab, drives about a mile down the road, and gets into a head-on collision.

The drunk driver survives, but the person he hit dies.

The moral of the story is don't drink and drive, right? But these unfortunate events aren't going away. According to Mothers Against Drunk Driving, people drive drunk more than 300,000 times each day. MADD, which was established in 1980, is responsible for cutting in half the

number of drunk driving deaths in the United States, but in 2016, there were still 10,479 people who died in drunk driving crashes. That's one every 50 minutes. Another 290,000 were injured.

The victims of drunk driving accidents, or their grieving families, will always sue the intoxicated driver for damages because that's the obvious claim to pursue. But what most people don't realize is they may also have a claim against the bar or restaurant and its bartender for over-serving their customer.

Dram Shop Act

The Texas Dram Shop Act allows for liability to be placed on a bar, tavern, or restaurant that serves alcohol. What this means is that if a business continues to sell alcohol to a visibly intoxicated person or minor, and that person later causes injury or death to a third party in a drunk driving accident, the victim or their families can sue the establishment as part of a personal injury or wrongful death claim.

Dram Shop Laws exist in almost every state, and they are designed to add another layer of protection for the general public. An argument can be made the accident would never have happened if the bar or tavern in the scenario above had used proper judgment and not allowed their patron to consume any more alcohol.

Groups like MADD have been advocating for laws such as this for years. Oftentimes, the intoxicated driver could also be driving without a license or insurance. Dram Shop Acts allow for victims and their families to find justice. Not all Dram laws are the same from state to state, but victims and their families will at least need to prove:

- The bar or tavern sold the alcohol to the intoxicated patron
- The intoxicated patron was drunk enough to present a clear and present danger to himself and others
- The victim sustained injuries as a result of that carelessness

Be mindful that you should never go into wrongful death cases such as these on your own. These establishments will try their best to defend themselves, and you'll need an experienced lawyer in your corner to negate the bar's claims and get you the compensation you deserve.

Ways to Defend Yourself Against Drunk Drivers

- Buckle your seatbelt at all times
- Look both ways at intersections, even if you have the green light
- Keep a safe distance between you and the car in front of you
- Keep a safe distance if you see a drunk driver swerving in and out of lanes near you
- Immediately report suspicious activity on the roadways
- Try to avoid driving late at night
- Support more stringent drunk driving legislation
- Be a designated driver

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Wrongful Death Lawsuits Help Surviving Family Members

Obviously, losing a family member is emotionally devastating. But when that death is related to carelessness on the part of another person, the loss becomes much harder to accept and has an immediate impact on the family members left behind. The last thing people in these situations think of is calling a lawyer, but it's important to know the law provides a legal remedy in the form of a wrongful death claim.

A wrongful death claim is valid when someone else causes the person's death through a wrongful act, neglect, or carelessness. Examples can include everything from the victim being killed by a drunk driver to a doctor botching a surgery or a poorly designed SUV rolling over on the highway.

While nothing can replace a lost loved one, these claims can provide some level of comfort and assurance in the face of uncertainty and grief. If successful, the family members may be rewarded compensation for:

- Medical expenses
- Funeral expenses
- Loss of future wages
- Mental suffering

An experienced attorney can help you negotiate the often complex legal world and arrange for necessary expert witnesses and others essential to proving your claim. The Mills Law Firm takes our role seriously, and we feel an intense level of pride when years later we hear

kind words from families whom we have represented.

We provide meaningful advice and compassion in the face of horrible circumstances while handling all aspects of the case, including managing long battles with insurance companies, your loved one's creditors, and the trial itself.

Please call us if you ever have any questions concerning these issues. Remember, the better your case, the more likely that an insurance company representative will contact you offering a fraction of what you deserve. Let us help you.

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.

Daycare Safety

When parents drop their children off at daycare, there's a reasonable expectation that their child will be loved and cared for as if they were in the safety of their own home. And for the most part, that's what happens. The majority of child care facilities in North Texas alone have an impeccable safety record, and because many households have more than just one breadwinner, the reliance we place on these facilities cannot be understated.

But just like anything else, accidents can happen. Putting wrongful death cases at daycare facilities aside, there are thousands of children who suffer lesser injuries while with a child care professional that could lead to a legitimate personal injury claim. When we say lesser injuries, we're not talking about skinned knees or an employee forgetting to bring your child in from recess. We're talking about any one of the following:

- Broken bones
- Burns
- Concussions
- Choking incidents
- Significant injuries inflicted by other children
- Medication overdose
- Injuries from falling objects



These injuries happen for a variety of reasons, but mostly because of negligence or management not adhering to state-mandated regulations. More specific reasons include lack of supervision, insufficient employee training, and even nursery equipment malfunctions. All of the injuries mentioned above can lead to a trip to the emergency room. Not to mention, there's the emotional distress and pain and suffering that often accompany the incident.

If you believe your child has suffered an injury at a daycare facility, or while in the care of an independent child care professional, that is significant enough to warrant a claim, give The Mills Law Firm a call. You may be entitled to compensation.

Hunting Safety



Tree or deer stands are the one piece of hunting equipment that is responsible for the most hunting injuries. Tree stands are platforms that can be mounted in trees. While they are extremely popular, they're also one of the most widely-recalled items in the hunting world. In some cases, a tree stand has become detached from the tree with the unassuming hunter on top falling from a significant height. Many times, the hunter can be injured climbing in and out of the tree stand.

Injuries include everything from broken bones to head injuries, paralysis, burns, scrapes and cuts, and death.

Situations like these can happen anywhere, even to the most careful of hunters. Before heading out on your next hunting adventure, make sure you do a complete quality check of all your equipment. Read the instruction and safety manuals and comply with all warning labels. If something doesn't seem right, consult with the manufacturer immediately.

If you or a loved one has been injured or killed in a hunting accident due to equipment failure, having the right legal partner in your corner makes a difference. We have the necessary industry knowledge and bring a compassionate approach to all our cases. Whatever it is, we are here for you.

Hunting is extremely popular in Texas, so it's no surprise to see that firearm and hunting safety is a big topic of conversation among outdoor enthusiasts. Most of the time, such conversations about hunting safety involve negligence by the hunter or a buddy that went along for the trip. Misuse of their own firearm resulted in an accidental shooting. But there are growing concerns over equipment malfunctions due to poor design or unclear warning labels, which can lead to possible product liability and wrongful death or injury cases.

You may not be thinking about your equipment malfunctioning while out at the deer lease, but it happens all the time. Some of the most common safety hazards include:

- Tree and deer stand failures
- Firearms misfiring
- Trap failures
- Crossbow defects

“The leading rule for the lawyer, as for the man of every calling, is diligence.”
- Abraham Lincoln

10 Easy Ways to be a Safe Driver

We'd all like to believe we're the safest drivers on the highway. Every day, we get behind the wheel, buckle our seatbelt, and expect to get from Point A to Point B without incident. Unfortunately, too often that is not the case. The National Safety Council estimated 2016 was the deadliest year on U.S. roads since 2007, with an estimated 40,000 fatalities. An estimated 4.6 million people were injured, according to the same report.

Regardless of how much we want to point fingers at the motorists around us, we can all learn a thing or two about being a more observant and cautious driver. Here are ten easy ways to be a safer driver:

- Don't text and drive (eliminate distractions)
- Don't drink and drive
- Don't drive when you're tired
- Buckle your seatbelt
- Adjust your mirrors to cover blind spots
- Keep your eyes moving and scan for motorists
- Leave space between your vehicle and those around you
- Properly maintain your vehicle
- Use your turn signal
- When in doubt, yield the right of way

Your ability to implement these simple tips, along with extensive knowledge of traffic safety laws, will keep you, your loved ones, and every driver around you safer on the roadways.

Assault and Premises Cases

A young woman is making a long drive out of state to see family and decides to pull over for the night at a nearby hotel. Everything seems fine, and she's completely at ease as she visits the front counter, gets her room key, and goes back outside to walk to her room. The light leading up the staircase is burned out, but she's too sleepy to take notice. Suddenly, a man in a hoodie knocks her to the ground and mercilessly throws a few punches before grabbing her purse and running away. Before anyone notices or can spring to help, the perpetrator is long gone.

It's easy to focus your attention on "the bad guy" who committed the assault. But this woman also had a reasonable expectation that she was in a safe environment. All too often, the owners or management of hotels, motels, apartment complexes, and even shopping centers do not recognize their role in preventing criminal activity.

This can lead to civil litigation and



premises cases, where some of the following questions will be raised:

- Did management provide adequate security and lighting?
- Were there security cameras monitoring the facility?
- Has management documented and made patrons aware of previous assault incidents on the property?
- Did management stay up-to-date on employee background checks?

Unfortunately, scenarios like the one above can happen at a national hotel chain just as easily as a rural ten-unit facility in the middle of nowhere. Before getting out of your car at any of these facilities, make sure you scan the area for possible red flags. Check the lighting around the main office, the stairwells, and in hallways. Even if everything seems fine, be mindful of your surroundings and watch out for suspicious characters or activity. If something doesn't seem right, turn around and go back to the front desk area.

If you or a loved one were injured or sexually assaulted at a facility such as a hotel or an apartment complex, you need an experienced lawyer who can handle your criminal case and corresponding civil litigation from every angle. Whatever it is, we are here for you.

**"I think the first duty of society is justice."
- Alexander Hamilton**

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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