

# Mills Law Alert

Fall 2019



## ***School Shooter Safety:*** **Keeping Your Kids Safe**



A colleague was visiting the office recently when we happened to get on the topic of school safety. He, like many of us, has children and remarked how his youngest told them a week earlier that his 2nd-grade class practiced what to do if a “bad man” came to school with a gun. That weekend, he picked the same child up from Church class and was informed by one parish official that they, too, performed a similar drill. The whole thing was jarring, to say the least. But it’s a sign of the times we live in, and we all need to be prepared — especially our children.

From schools to places of worship, movie theaters, and even grocery stores like the El Paso Walmart in August, violence is everywhere. According to an ABC News report, there have been at least 21 deadly mass shootings in the US so far in 2019. School officials are doing all they can to address ways to stay safe in the event of an on-campus shooting. This includes drills like the ones mentioned above, educational forums, requiring see-through backpacks, and even adding extra security. Some North Texas schools are allowing teachers to carry concealed weapons.

But nothing beats having a plan in place should another tragedy strike close to home.

### ***Run. Hide. As a Last Resort, Fight***

Those were key words of advice given out in an article I recently read on what you need to know to keep your kids safe in a school shooter situation. The advice runs the gamut, but here are just a few tips students need to be mindful of:

- Actively participate in as many school shooter drills as possible, and don’t be afraid to ask questions
- If possible, run away from the shooter, hide if necessary, and fight back as an absolute last resort
- Only open a door for someone you know
- Don’t set off the fire alarm. Doing so will send everyone to a common location, where the shooter may be waiting
- Students need to be aware of all building exits, including doors and windows
- Don’t use social media during the shooting as it may tip off the shooter to your location
- Students are encouraged to say something to a teacher if they notice any suspicious activity

Even though your children are getting an unsettling crash course on what to do in an active shooter situation, you should never feel like you are left out in the cold. An important step is to make sure your child feels comfortable talking to you about what they’re learning and are willing to share their concerns. Keeping that line of communication open will ease your child’s anxiety, and yours! It’s also a good idea to speak with campus officials to get an understanding of additional steps they are taking to protect your child.

### **Know the Warning Signs of Potential Campus Violence**

Here are a few basic tips on how to recognize warning signs of potential on-campus violence:

- A student, parent, or school official has an alarming fascination with guns and firearms
- There’s a history of disturbing and/or abusive behavior
- There’s a history of a student being bullied or exiled
- Verbal warnings. If something doesn’t look right, say something

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# Defective Vehicle Tires and What They Mean to You

Car manufacturers and the professionals at your local auto repair shop have a duty to make sure your vehicle and all its critical components are operating safely at all times. This is especially true for your tires. And for the most part, these facilities do a great job keeping your vehicle's tires in tip-top shape. But there are situations where tire defects or mistakes in repair shop practices can put you or a loved one in extreme danger.

Here are a few examples of tire defects or mechanic's negligence you may not have considered:

- Design flaws
- Low-quality materials
- Repair shop uses undersized or oversized tires (wrong size tire)
- Improper mounting/installation
- Damaging tires upon installation
- Repair shop not checking for proper air pressure, tread depth, balance, and alignment

The last thing we expect is to be traveling

down the road and get into an accident due to faulty or weakened tires. But it happens more often than we realize. According to the National Highway Traffic Safety Administration's most recent statistics, there were 738 vehicle traffic fatalities in 2017 due to tire-related crashes. This includes vehicle rollovers, blowouts, and fires. Sometimes, these accidents are the result of a failure to keep up with regular maintenance. But if you believe you were the victim of negligence on the part of a tire manufacturer, dealership, tire shop, or repair facility, having the right legal partner in your corner makes a difference. Call the Mills Law Firm today!

In the meantime, pay attention and use the following precautions when it comes to your tires:



- Don't ignore recalls on any car parts, especially your tires
- Check tire pressure and replace worn tires every 40,000 miles
- Rotate your tires every 5,000 to 10,000 miles, or as otherwise recommended
- Research local repair shops to ensure you choose the best
- Always have a spare tire accessible

# Pedestrian Accidents are a Point of Concern

A young girl is walking up and down a busy shopping strip minding her own business. In the blink of an eye, a driver who isn't paying attention continues through the crosswalk and barrels into the unsuspecting shopper. Luckily, the car wasn't going fast enough to cause a fatality, but the girl suffers a broken leg and a handful of nasty scrapes and bruises.

At some point, we are all unsuspecting pedestrians. Accidents just like this play out more often than you think - every day all over the world. Sadly, the outcomes are typically much worse. According to the most recent statistics from the National Highway Traffic Safety Administration, there were 5,977 pedestrian fatalities in 2017. That number is actually a 1.7% decrease from the previous year, but it's still one death every 88 minutes and doesn't account for the thousands more pedestrian accidents that result in anything from disfigurement to brain and head trauma, spinal cord injuries, broken limbs, and more.

Such accidents are usually the driver's fault and can be the result of violating the speed limit, running red lights, driving under the influence, failing to yield the right of way, and texting and driving. Not only can a driver be sued for damages, but they can also face criminal charges that include fines, suspension of their driver's license, or jail time.

Below are a few tips for both pedestrians and drivers:

- Drivers should remain observant at all times and obey all traffic laws
- Pedestrians should walk on sidewalks whenever possible
- Never assume a driver sees you. Look for eye contact
- Don't use your phone for texting while driving
- Slow your vehicle down and be prepared to stop in hard-to-see conditions
- Drivers should be cautious when backing up
- Be patient when encountering seniors and pedestrians with challenges

If you or a loved one has been injured by a motor vehicle in a pedestrian accident, contact the Mills Law Firm right away.





# What to do When Your Child is Hurt by a Toy

The holidays are not here quite yet, but that isn't going to stop many of us parents from getting early Christmas shopping in before the mad rush. All of that is well and fine, but something to keep in mind as we make those purchases is toy safety.

Not every toy on the market is safe no matter how harmless it looks in the box. The United States Consumer Product Safety Commission says that more than 250,000 children are treated in emergency rooms for toy-related injuries each year, including 13 deaths. The CPSC has a lengthy list of seemingly harmless toys that have been recalled for causing injuries such as choking, lacerations, chemical and fire hazards, and risks of impalement.

What's shocking is that most of the toys that cause such injuries are extremely common:

- Non-motorized scooters
- Balloons
- Small rubber balls
- Stuffed toys
- Doll accessories
- Battery operated toys

Many times, a child is injured and the injury doesn't have anything to do with the toy. For example, a young boy could ride his tricycle into the street and accidentally get hit by an oncoming vehicle. But if the injury was the result of design or manufacturing defects or the manufacturer failed to provide ample warnings, you could have a product liability claim.

If your child is injured, seek medical attention and maintain records of doctor's visits or ER trips. It's also important to make sure you

keep the toy and all its parts as well as the original packaging, instructions, and proof of purchase.

If all those elements are in place, you would still have to prove the following:

1. The toy was defective
2. The defect caused the injury
3. Your child was injured
4. Manufacturer negligence was involved

While it can be difficult to prevent a toy-related injury, there are ways to decrease the chances. This includes being aware of any safety recalls and making sure the toys you buy are age-appropriate.

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If you feel like you have a strong product liability claim, give the Mills Law Firm a call. We have the necessary knowledge and will provide a professional, compassionate approach.



## Thanks for the Referrals

Despite this era of sophisticated 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 or otherwise needs legal help, call us.

# What is All the Fuss About Over JUUL?



Many of our clients are asking what all the fuss is about over JUUL and the recent spate of news stories on the public health risks of vaping. JUUL is a brand of battery-powered e-cigarettes, shaped like a

USB flash drive, that contains high doses of nicotine in liquid form. When heated, this liquid turns into vapor. Vaping has become so popular among teenagers and young adults that it now represents 68% of the \$2 billion e-cigarette market, according to the National Center for Health Research.

The problem is that while e-cigarettes have long been thought to be safer than traditional cigarettes, studies show they are not. The amount of nicotine in one juul pod is equivalent to a pack of cigarettes. Since

teens often use multiple pods in one sitting, they can unknowingly put themselves in danger. According to the National Center for Health Research, as of September 2019 there have been 12 deaths and more than 800 cases of serious lung illness related to e-cigarettes.

To file a lawsuit in these types of cases can mean going up against a rather large industry. Before doing so, contact the Mills Law Firm to see what your options are and the viability of your case.

# Enjoy Your Next ATV Ride Responsibly



There are a lot of good reasons why you might want to take your family for a ride on an All-Terrain Vehicle (ATV) this fall. But the mistake many people (adults, teenagers, and even children) make is when they get too caught up in the fun and forget that ATVs, like quads, quad bikes, three-wheelers, and four-wheelers, can be deceptively dangerous.

It's all fun and games until one wrong turn across uneven terrain forces your ATV to tip over and pin you or another unsuspecting driver underneath it. Tire blowouts, brake failure, and owner negligence are also ways a fun day on an ATV can become a nightmare. Drivers have also been thrown several feet from an out-of-control ATV, resulting in injuries ranging from traumatic brain injuries to spinal cord injuries, neck fractures, dislocations,

and broken bones. Some of these injuries can be catastrophic and cause life-changing medical problems or death.

The Mills Law Firm addresses the topic of ATVs often because of the state we live in. For example, did you know that while the Consumer Product Safety Commission ranks ATVs among the deadliest products in the United States, Texas leads the nation with 831 reported ATV deaths per year? That is an average of more than two deaths per day.

If you plan on using an ATV this fall, have fun. But please take note of these important safety tips:

- 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, read the owner's manual, 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
- Make using your controls (shifting, braking, etc.) second nature
- Never get too comfortable

We tell clients all the time that being safe doesn't take the fun out of a joy ride but allows you to keep having fun.

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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