



Capitol Tower  
206 E. 9th Street  
Ste. 1511  
Austin, Texas 78701  
(512)476-4944  
FAX (512)476-6218



Avoiding Mistakes that Can Ruin  
Your Texas Accident Claim



Brooks Schuelke • Mark Perlmutter

Don't Be A  
Victim.  
Order Our  
FREE Book.

(512)476-4944

or at

www.civtrial.com

## BROOKS IS THE NEW PRESIDENT OF THE CAPITAL AREA TRIAL LAWYERS ASSOCIATION

I'm proud to say that earlier this month, I was elected as the president of the Capital Area Trial Lawyers Association. With over 250 members, we are Central Texas' largest collection of plaintiff's personal injury lawyers.

I'm honored to have been elected president of CATLA. Those of us who are trial lawyers get a bad name, but the attorneys in our group are driven every day to ensure that our clients are not taken advantage of by corporate wrongdoers or insurance companies. And we're doing it the right way — honestly and ethically.

What I'm most proud of is our group's ability to work together — even though we are technically competitors — to make sure that we're providing the best representation to our clients.

This starts with our monthly continuing education lunches, where our attorneys keep up to date on changes in the law or share strategies, ideas and new arguments with one another.

But it also extends to an amazing informal network of attorneys willing to help each other at the drop

of a hat. If my colleagues have an issue, they know they can shoot me an email or give me a call, and I'll willingly take the time to brainstorm with them. Likewise, if I need to bounce ideas off another lawyer, I know they'll be willing to do the same for me.

Our group also has a small political component to it. For the last several years (or even decades), the civil justice system has been under assault.

Legislators and the Supreme Court continually make it more difficult and more expensive for individuals and small businesses to seek help through our court system.

Unfortunately, the injured can't afford their own lobbyists during the legislative session. As a result, the only groups looking out for individuals' rights are groups like CATLA.

While I don't have any illusion that we can stem the tide on tort reform, we are making small gains that are helping our clients. And I assure you that we'll keep up that fight as long as we can.

- Brooks Schuelke



## I'm Giving You Permission To Yell At Your Kids

It's summer, and therefore summer driving time. Maybe it's just my kids, but as we've been driving more, I've noticed my kids' tendency to slouch or lay down in the back seat while wearing their seat belts. If your kids do the same thing, you have my permission to yell at them to sit up.

It's not about being polite; it's about being safe.

Seatbelts are wonderful inventions that save lives. But they only work to the best of their ability if they're used properly. And that means that passengers must be properly sitting up and that the seatbelts are adjusted for their shoulder height.



## ANOTHER DRIVING TIP: GIVE EXTRA DISTANCE TO THOSE BIG RIGS



Big rigs are all over I35 and Central Texas roads.

Are we doing enough to prevent those horrific crashes in which cars slide beneath trucks?

Safety groups say more must be done, although there has been some improvement since 2004. In 2011, 260 car passengers died in 2,241 under-ride crashes with trucks. In 2004, 460 died in 3,693 under-ride crashes, according to the Insurance Institute for Highway Safety (IIHS).

The IIHS says the number of fatal crashes might decrease if the under-ride guards on trucks are strengthened. The under-ride guard is a metal framework that extends below the back truck lights, intended to prevent a car from sliding under the truck.

Most under-ride guards will only prevent a crash with a stopped truck if the car is going 35 mph or less.

Experts say young people, and males, in particular, are most likely to tailgate trucks, the primary cause of under-ride crashes. Car drivers must allow plenty of space between the car and the truck ahead.

The IIHS says trailer makers are installing stronger guards than the U.S. requires, partly because Canada has a much tougher standard, but the guards still can't prevent all under-ride crashes.

In one series of tests, engineers crashed a 2010 Chevrolet Malibu going 35 mph dead-on into the back of parked trucks. Eight trucks with Canadian standard guards were tested. All eight guards prevented under-ride crashes in that scenario.

But, when the car hit the truck guards unevenly, the results were mixed. If half the width of a car overlapped the trailer, one truck guard failed to prevent the under-ride crash. If 30 percent of the car overlapped the trailer, all but one truck guard failed to prevent the deadly under-ride crash.

Don't become one of these statistics. Do your best to be vigilant about big rigs and the threats they pose on the road.

## WHO IS TEXTING WHILE DRIVING? YOU MIGHT BE SURPRISED



Almost all adult vehicle drivers know that texting or emailing while driving is dangerous. But 49 percent admit to doing it anyway.

A survey by AT&T, provided by USA Today, shows that fewer teens, 43 percent, are guilty of these offenses.

Even AT&T was surprised at the survey results, especially since it followed a national campaign against distracted driving.

Texting while driving is the most dangerous form of distraction. It involves the eyes, the hands and the mind.

Researchers at Virginia Tech Transportation Institute found that sending or receiving a text takes a driver's eyes off the road for an average of 4.6 seconds, about as long as it take to drive the length of a football field at 55 mph.

In 2011, 3,331 people died in crashes involving a distracted driver.

Each day, an average of nine people die and more than 1,060 are injured by crashes caused by distracted driving, according to the Centers for Disease Control and Prevention.

And yet today, there are millions of people out there who are texting instead of paying attention to their driving.

## SUMMER SAFETY TIP: BEWARE CLIFF JUMPING/DIVING ACCIDENTS

I was sickened to hear the story last month about Alex Rovello. Alex, a tennis player at the University of Oregon, tragically died after diving near the water fall of a popular Oregon swimming hole.

Sadly, Alex's story is not unique. Each year, thousands of people are injured from jumping off of cliffs or rock formations into popular swimming areas around the country. People just don't realize the forces involved in high jumping.

According to the US National Park Service, if you jump from 20 feet above the water, you'll hit the water at 25 miles per hour. The impact is severe enough to compress your spine, break bones or give you a concussion — and that's if you enter the water properly. If you slip or mistime your jump, it is almost like hitting concrete. If you jump from 10 feet, you can reach speeds of 17 miles per hour — fast enough to damage a car in a car wreck, and fast enough to hurt you.

But in most of our Texas lakes, rivers and creeks, there are additional risks. With our drought and fluctuating water levels, it's very difficult to know what hidden dangers lurk below the surface. It's difficult to know what rocks, stumps, or other dangerous items are waiting for you.

In many ways, I'm a bit hypocritical on this issue. When I was a kid, my dad lived on a lake, and we sometimes jumped off small rock formations. But doing this job, I've seen too many seriously injured, including a good friend of mine, trying to have a little fun. None of that fun is worth a life-time of problems.



Perlmutter & Schuelke, LLP  
206 E. 9th Street, Ste. 1511  
Austin, Texas 78701

PRESORTED  
STANDARD  
U.S. POSTAGE  
PAID  
AUSTIN, TX  
PERMIT NO. 1120

This newsletter is informational and not legal advice. If you need legal advice, feel free to call us to set up a consultation.

## REMEMBER YOUR FIREWORKS SAFETY

As is my tradition, here are fireworks recommendations from the Consumer Products Safety Commission:

- Never allow young children to play with or ignite fireworks.
- Avoid buying fireworks that are packaged in brown paper because this is often a sign that the fireworks were made for professional displays and that they could pose a danger to consumers.
- Always have an adult supervise fireworks activities. Parents don't realize that young children suffer injuries from sparklers. **Sparklers burn at temperatures of about 2,000 degrees – hot enough to melt some metals.**
- Never place any part of your body directly over a fireworks device when lighting the fuse. Back up to a safe distance immediately after lighting fireworks.
- Never try to re-light or pick up fireworks that have not ignited fully.
- Never point or throw fireworks at another person.
- Keep a bucket of water or a garden hose handy in case of fire or other mishap.
- Light fireworks one at a time, then move back quickly.

