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LESSONS FOR PERSONAL INJURY VICTIMS FROM FALL BASEBALL

My son is playing fall baseball right now, and I've been sucked in to help coach.

In our league, fall ball is supposed to be much more relaxed than spring ball. But the unintended consequence is that there are two very different groups of kids who play fall ball ---- those who are playing because they want to play year-round baseball and those who think the "relaxed season" is a good place to throw in kids who haven't played much before.

This can be hard on both groups of kids. The "experienced" players can feel frustration because they can't play up to their abilities, and the "newer" players can feel frustrated with their abilities compared to the others'.

The issue may be even worse in games. Many coaches use fall ball as a time to let players play positions they might not normally play, including pitcher. Thus, some of the games are "challenging" — due to some pitchers' challenges finding the strike zone, it's not unusual for a team to score 5 runs (the maximum allowed per inning) without ever having a kid actually hit the ball.

The lesson for all of us is "patience." The experienced kids have to be

patient with the newer kids, the newer kids have to be patient with themselves, and the coaches have to be patient with both groups.

This lesson in patience is a good lesson for personal injury victims.

Many victims want to resolve their claims as soon as possible. But settling claims just for the sake of settling can cause a number of problems.



The most important piece of advice we have for clients is to not settle until you are completely healed or you've been told by your doctor that you're not going to heal, but you're as good as you're going to get. Why? What if you're hurt worse than you think? If you've settled your claim and then figure out that you're hurt worse and need surgery or some other type of additional care, you're out of luck because your claims are over.

Many insurance companies even try to take advantage of this impatience by "swoop and settle" tactics --- contacting hurt victims shortly after a wreck or incident and trying to settle before the victims know how badly they're hurt..

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LESSONS FROM BASEBALL continued..

Impatience is also a problem once the claim is going. It's important for plaintiff's lawyers to have time to "work up the claim" --- time to do the work necessary to prove all elements of our client's damages. This has been an issue in two recent cases. In one, a client tried to resolve his claim on his own, and in the other, prior lawyers tried to resolve the claim. But in neither case did they do the work necessary to really prove the client's damages. But once we were involved, we did the work, got the claims ready, and moved the cases towards resolution for significantly more than the insurance companies were offering prior to our involvement.

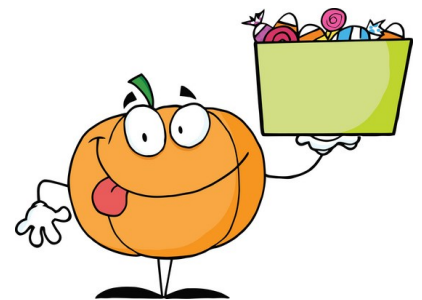
The next time I have a client not showing enough patience and potentially running afoul of some of these problems, I might ask them to speak to my son.

— Brooks Schuelke

HALLOWEEN SAFETY TIPS

As Halloween rapidly approaches, here are some safety tips from the Centers for Disease Control.

- S** Swords, knives, and similar costume accessories should be short, soft, and flexible.
- A** Avoid trick-or-treating alone. Walk in groups with a trusted adult.
- F** Flashlights should be used at all times to help drivers see you.
- E** Examine all treats for choking hazards and tampering before eating them.
- H** Hold on — don't hurry to the next stop. Always WALK and don't run from house to house.
- A** Always test make-up and other costume accessories in a small place first to avoid allergic reactions.
- L** Look both ways before crossing the street.
- L** Lower your risk for serious injury by being cautious.
- O** Only walk on sidewalks if possible. Otherwise, stay on the far edge of the roadway.
- W** Wear well-fitting masks, costumes, and shoes to avoid tripping and falling.
- E** Eat only factory-wrapped treats. Avoid eating homemade treats made by strangers.
- E** Enter homes only if you're with a trusted adult.
- N** Never walk near lit candles or luminaries. Try to wear flame-resistant costumes.



TEXAS LEADS THE COUNTRY IN WORKPLACE DEATHS

While workplace deaths continue to decline across most of the United States, they remain high in Texas. In 2010, the last year for which figures are available, Texas had 461 deaths, about 10% of the nation's total. There are a number of theories about why Texas accounts for such a significant amount. Most "on-the-job" deaths occur in highway accidents, and Texas has a vast highway system. Texas also has lax workplace rules, not requiring as much training as many other states. Related to training, Texas also has a high number of temporary workers, who may not be as skilled or as safe as their permanent counterparts.

The lesson for employees is to remain vigilant about safety while on the job. Don't cut corners, and be aware of potential dangers. The lesson for employers is to provide training and safety equipment and gear to your employees. Requiring employees to endure unsafe conditions not only exposes you to potential liability, but also becomes a drain on your business as qualified employees are injured and out of work.

We've proudly represented a number of employees who were injured on the job. If you or your friends or family members are injured while working, please give us a call to see if we can help.



CENTRAL TEXAS TOWN MISSES THE BOAT ON TEXTING WHILE DRIVING



I was excited to see the headline in the Austin American Statesman that another Central Texas town was considering a ban on texting while driving. But upon reading the article, I was disappointed.

In early September, the Cedar Park City Council discussed the possibility of enacting a ban on texting while driving. But despite acknowledging the problem (they passed a resolution saying it was bad), they didn't take any steps to actually address the problem. While they have not yet had a vote, all indications are that they will reject a city-wide ban and might not even consider a ban for city employees.

Not surprisingly, they are parroting Governor Perry's lame excuses for vetoing a state-wide ban that such a ban might be micro-managing behavior. That's just ridiculous.

Study after study shows that texting and driving is much more dangerous than driving while intoxicated and speeding. Yet no one would think that our DWI/DUI laws or speed limits are "micro-managing behavior." Doesn't it make sense to outlaw one of the most dangerous activities that people can do while driving?

Of course it makes sense. But politicians continue to make decisions that put politics and political rhetoric above safety of citizens.

Let's hope that Cedar Park and other Central Texas areas will re-think their decisions and put safety first.

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

EVEN KING ARTHUR'S KNIGHTS WORE HARD HATS

Today, hard hats are worn by workers in many types of jobs. They are also worn by football players, soldiers and bike riders. Whether for work or play, they have an essential role in safety.

It's not a new concept.

King Arthur's knights in shining armor wore metal helmets to protect their heads. Ancient drawings depict people in head-protecting hats in the ancient civilizations of China, Egypt, Greece and Rome.

Over time, hard hats have evolved. In the early 1930s, aluminum hats (that were great conductors of electricity) were the standard. Today, hard, high-density plastics provide more protection, including optional earmuffs, face shields, and lining.

But whatever the material, they only work if you use them. So may sure that you and your colleagues are using them.

As always, thanks for your referrals!

