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## Need A New Year's Resolution? Reduce Distracted Driving

Recently, a family member was complaining about sending text messages using the keyboard on her new iPhone.

In an effort to help, I tried to show her a feature that allows you to speak your text message.

Her response was, "Great, now I can send texts while I'm driving."

And my response was, "No! No! No!"

As a personal injury lawyer, I know too well the dangers of distracted driving.

Some of the distracted driving statistics are startling:

- At a minimum, 3,000 people per year die from distracted driving (that's equivalent to a regional jet crash every week).
- Almost 30% of car crashes are caused by cell phone use.
- Texting takes your eyes off the road for an average of 4.6 seconds (at 55 miles per hour, that's like driving an entire football field blind-folded).

- Study after study finds texting while driving to be more dangerous than driving while intoxicated.

Those problems are getting worse — earlier this month, a government study found texting while driving had almost doubled this year.

Because of those dangers, the National Transportation Safety Board recommended this week that each state ban all uses of cell phones while driving (except for emergency calls).



I don't think that proposal will go anywhere, but I hope it at least starts a conversation because we need a culture change.

We need people to again realize that the more distracted we are, the more dangerous we are.

It might not be good for my business, but it's good for my family and yours.

— Brooks Schuelke

## We Could Learn About Head Injuries From The NHL



Like many of you, I've never been to a hockey game. Despite that, we have much we can learn from the National Hockey League.

You see, the NHL has a concussion problem.

The NHL's most recognizable player is young star Sidney Crosby. But last January, Sid the Kid took a high hit and sustained a concussion.

His concussion caused him to miss half the 2010-2011 season, the 2011 Stanley Cup playoffs, and the first

quarter of the 2011-12 season. He finally came back this year, but after eight games, Crosby sustained another hit and more symptoms of a head injury and is again out indefinitely.

Crosby isn't alone. Through about a quarter of the season, 23 different NHL players have been limited by concussions.

What I take from this is that the NHL, unlike the NFL or some other sports, takes concussions and head injuries seriously. I think it's important for all of us to learn that.

I frequently tell people that the thing that scares me the most about our car wreck or other personal injury cases are the potential head injuries. They are difficult to diagnose, and the consequences can be life-altering.

So if you or a loved one is hurt in an accident, make sure you're on the lookout for potential signs of head injuries. Don't dismiss those headaches, changes in temperament, feelings of confusion, nausea or vomiting, or fatigue. Take them seriously, and seek the care you need.

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## New Year's Firework Safety

Since we've had a little rain, many of you will be tempted to light fireworks to celebrate this New Year's Eve. If you do, make sure you follow some common sense rules so your New Year doesn't get off to a bad start:

- Choose a spot this is not near anything that can catch fire.
- Light fireworks on the ground, not in your hand.
- Never drink alcoholic beverages while you're using fireworks (obviously, a little alcohol might alter your judgment).
- Have a bucket of water and/or a hose nearby.
- Remember that even sparklers, the most basic of all fireworks, burn at a temperature of 1800-3000 degrees Fahrenheit.
- Don't overshoot your capabilities. You're not a pyrotechnic expert, and your displays shouldn't look like professional shows.



## A Tea Party Leader On Tort Reform

Andrew Cochran keeps a blog dedicated to the 7th Amendment — the amendment guaranteeing US citizens the right to a jury trial in civil cases. Earlier, he had a post quoting Judson Phillips, a leader of the Tea Party movement.

It seems that Mr. Phillips understands the role of the civil justice system in deterring bad behavior. He writes:

The free market is a wonderful system. It produces amazing efficiencies and amazing wealth. The free market system has delivered more prosperity to more people than any other system. There is another beauty to the free market system that many people do not think about. The free market system punishes bad behavior. If I open a business and decide to sell something that is a really bad product, people do not come to my business. I have the incentive to produce a really good product because that way people will want to come to my business.

The civil jury system is a part of the free market. Our founding fathers thought enough of it to make it the 7th Amendment to the Constitution. Jury awards are a part of the free market. They do not exist in a vacuum. They not only compensate someone for an injury but like so many other parts of the free market, they act to deter bad behavior.

If I am injured by a bad doctor or suffer some other type of injury or loss, I do not want the Federal Government telling me what my pain is worth. I want twelve citizens deciding justice for me.

Too few people recognize the importance of the tort system — civil lawsuits — in deterring bad behavior. A few years ago, the Texas Supreme Court (all Republicans, by the way) explained that important role in the case of *Roberts v. Williamson*:

The fundamental purposes of our tort system are to deter wrongful conduct, shift losses to responsible parties, and fairly compensate deserving victims.

I have never understood why so many conservatives — hell bent on making society safer by strictly enforcing criminal laws — want to eliminate the civil justice system, which is just as important in deterring wrongful conduct as the criminal system.

In fact, in many cases, the civil justice system may be a more important deterrent. For example, routine car wrecks don't often involve a criminal component, and if they do, it's usually just a minor ticket. They don't really deter wrongful conduct. On the other hand, the prospects of facing a huge verdict from reckless driving — that might deter wrongful action.

I don't know whether the tea party will be enough to change the debate on this issue, but I'm at least thankful that the issue is becoming a source of some discussion.

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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.

## THANKS FOR YOUR REFERRALS

As always, we want to thank you for your referrals. Most of our new clients come to us from referrals from attorneys, doctors or former clients.

We understand that when you refer a case to us, you're going out on a limb. Because of that, we strive to provide the best service we can. That obviously means striving to obtain the best result possible. But it also means more than that.

It means listening to your referrals. It means being willing to take the time to answer questions and explain any confusing parts of your referrals' claims or lawsuits. It means returning phone calls and emails.

We pledge to do this and more to take care of those who you entrust to us.

