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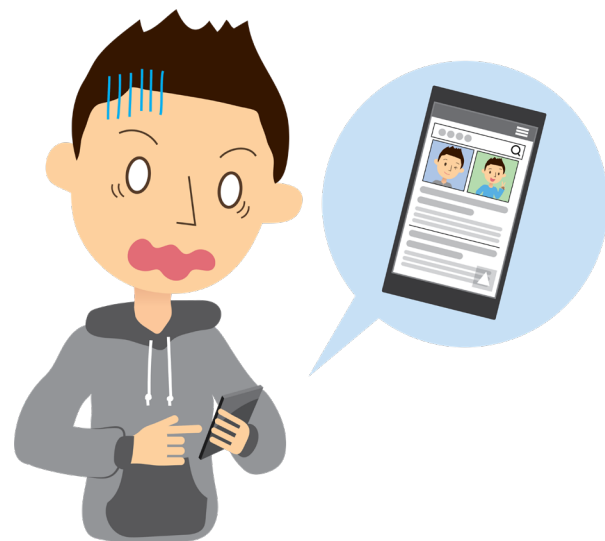
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Slander, Libel, and Defamation What's the Difference?

In a time when attack politics are at the forefront of media and politics, we often hear terms like slander, libel, and defamation. While the First Amendment gives us our freedom of speech, not all speech is protected. It's more important than



ever to understand the difference between slander, libel, and defamation and know how to ensure your speech does not cross into these areas.

What is defamation?

Defamation is the all-encompassing term that describes both slander and libel. When an untrue and damaging statement, *presented as fact*, injures a third party's reputation, it's defamation of character. For example, you can't hurt a person's reputation by simply saying they're annoying; however, saying they participate in illegal activities when they actually do not can be extremely damaging.

It should be noted that you cannot be sued for defamation for simply stating an opinion. However, if the statement is untrue and damages the person's reputation, whether it be written or oral, you could be sued for defamation.

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Reflections on the Past Year Adapting to Change

December has finally arrived and that means the end of the year is upon us. Before we look forward to 2022 and what the future brings, I feel it is always beneficial to reflect on the past year. While 2021 was certainly challenging due to the ongoing pandemic, it's through challenges and obstacles that we grow.

One of the biggest things glaring back at me is the people I did not get to see on a regular basis. This is especially true in the workplace. I have seen my awesome assistant, April, in person just one time in the last 18 or so months, and that was when our families met for dinner at the Gristmill Restaurant in Gruene. While we talk on the phone daily, it's just not the same. I have missed seeing her in person, and I hope we get back to some normalcy in the upcoming year.

I miss seeing our clients, too. In the past, we have occasionally represented clients from out of town or even out of state whom we don't meet in person during their case, but those cases were few. Now, 18 months in, we're cycling through a whole docket of clients whom I've never met in person. I'm not a huge meetings guy, but I miss the personal time after our meetings, catching up on how the clients are doing, their kids, their lives, and everything that comes with it. While I'm very happy to represent these clients, I don't feel like I know them as well as those I get to meet in person.

Despite not meeting our clients in person, I'm excited about the recoveries we've made for them this year. Generally, I'll have a few cases per year that settle for more than I expect. This year, I've had several cases we managed to resolve for more than what we thought the case was worth, and we've had even more cases that have made a real difference in our clients' lives, either by obtaining significant recoveries or helping them get medical care when the client otherwise didn't have access. Despite the problems of the pandemic, I'm proud that we figured things out and continued helping our clients.

Personally, the biggest change in my life this year was that my son, our youngest child, went off to college (in Hawaii, no less). My wife and I are trying to figure out what we used to do before kids, and it has been good so far. We're extremely lucky our daughter (a college senior) tries to FaceTime us once a day, and our son has gotten into a routine of calling us when he's driving



to and from baseball practice. So, I think we talk to our kids more than most parents whose kids are off to school, but it's still hard, and we miss the kids a lot.

My wife and I hold several volunteer positions. For me, one of the most rewarding has been serving as a mentor through the Seedling Foundation, which provides mentors to kids whose caregivers are incarcerated. I have been mentoring a young man — meeting him once a week at his school since he was in pre-K — who is now in 11th grade. Unfortunately, we had to stop during the last 18 months because of COVID-19, and I have missed that time with him. The program is currently working to start online/video mentoring this year. While it won't be the same, I am looking forward to starting that up again.

I'm excited to see what the new year brings, and hopefully, we get some return to normalcy. I hope you all enjoy a festive holiday season and have a safe and happy new year!

-C. Brooks Schuelke

The Next Big Health Secret

Why Seeing an Attorney May Be Good for You!



Consulting with an attorney when you are facing legal trouble allows you to have an advocate and expert in your corner who is fighting for you and your rights. And according to recent studies, it may be good for your health too!

According to NPR, a 2017 study of Veterans Affairs offices in Connecticut and New York found that veterans who saw clinic attorneys reported improved mental health within three months after their initial meetings. Additionally, in Colorado, a five-year survey of 69 patients from 2015 to 2020 found that patients in Medicaid programs who saw attorneys at their clinics had a decrease in the amount of physical health problems they were facing.

While further studies are needed to corroborate this evidence, the message is clear: Finding solutions to your legal concerns through an attorney is healthy!

This idea has led to several states permitting Medicaid patients to use some of their health care dollars toward legal clinical programs.

For example, in Colorado, some chronically ill patients are struggling with immigration issues or problems as a result of losing their jobs in the COVID-19 pandemic. By consulting with lawyers — in addition to psychiatrists, social workers, and medical doctors — patients are lowering their stress levels, improving their physical well-being, and staying closer to their families.

But how does this work? To answer that question, we have to examine the toll stress takes on our bodies. Constant stress, like concerns about visitations or deportation, can cause our bodies to fail. This often leads to headaches, heartburn, a weakened immune system, insomnia, stomach problems, and more. These problems then compound into other issues, causing the body to spiral when intervention isn't possible.

However, when the source of stress is relieved, the side effects are eliminated as well. This can powerfully help people who are facing potentially life-altering legal situations.

So, while your attorney may not be able to perform heart surgery or help alleviate your knee pain, their expertise may be just what you need to feel better in the long run.

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What is libel?

Libel is a method of defamation expressed in print, writing, pictures, signs, effigies, or any communication embodied in physical form. Libel used to refer to things printed in newspapers and other forms of print media, but in our digital world, things like blogs, Twitter posts, and online publications can now be subject to libel lawsuits.

Tabloids have been a reliable source for drama and libel cases for years. Many celebrities have repeatedly sued them for publishing stories with false or untrue allegations. For example, the British tabloid Daily Mail published multiple untrue stories regarding Keira Knightley's weight, claiming she was anorexic. She sued the tabloid for libel and won. J.K. Rowling and Kate Winslet have also successfully sued Daily Mail for libel.

How does slander differ from libel?

Where libel is a physical form of defamation, slander is spoken defamation, whether it be on television, radio, or even just rumors spread around the water cooler at work. Like libel, slanderous statements need to be expressed as fact, not just opinion. Since slander is spoken defamation, it can be much harder to prove than libel. Not only do you have to prove the person said it, but you also have to prove the person was negligent with the truth. Politicians have to prove actual malice in addition to all the other stipulations regarding slander.



Just tell the truth.

If you are ever accused of defamation, the best defense is the truth. If you can prove what you said or wrote was truthful, there is no case. The bottom line is this: The easiest way to avoid defamation lawsuits is by simply telling the truth about people. If you're not sure something is true, don't spread it around. Find out the facts before needlessly ruining someone's reputation. Telling lies and spreading rumors can cost you big in the long run.

TAKE A **BREAK**



DIY HOLIDAY EGGNOG

Inspired by
TastesBetterFromScratch.com

Ingredients

- 6 egg yolks
- 1/2 cup sugar
- 1 cup heavy whipping cream
- 2 cups milk
- 1/2 tsp nutmeg
- 1 pinch salt
- 1/4 tsp vanilla extract
- Cinnamon and whipped cream, for garnish

Directions

1. In a medium bowl, whisk the egg yolks and sugar until light and creamy. Set aside.
2. In a saucepan over medium heat, stir together the cream, milk, nutmeg, and salt. Bring to a simmer.
3. Add a spoonful of the milk mixture to the egg mixture. Whisk vigorously and repeat, one spoonful at a time.
4. When most of the milk is whisked in, add the egg mixture to the saucepan.
5. Whisk until the liquid thickens slightly or reaches 160 F. Remove from heat and add vanilla extract.
6. Pour the eggnog into a glass container and cover. Refrigerate.
7. When the eggnog has thickened, pour it into glasses, garnish, and enjoy!

SPENDING THE HOLIDAYS ALONE?

BOOST YOUR MOOD WITH THESE TIPS

Many Americans spend the holidays alone every year, and the pandemic has only made it more difficult for people to see their loved ones, as travel has become more restricted and strenuous.

If you're one of these people who are spending their first holiday season alone this year, here are a few strategies you can try to make the situation a little easier.

Don't hold yourself to the usual standards.

One of the best things about spending the holidays alone is that you can do things your way. You don't have to worry about meeting everyone else's standards. Instead, you only have to make yourself happy. Simply telling yourself that you are not going to have the usual holiday environment can slightly help, but redefining what the holiday means to you can remove a huge weight. Trying new things or looking toward the future are great ways to reduce the stress of spending the holidays alone. Keeping up with old traditions may remind you of what you're missing out on, so it can greatly help to create your own traditions.

Plan ahead.

If you know in advance that you're going to be spending the holidays alone, planning ahead can prevent negative feelings. While being spontaneous can sometimes keep things fresh, it could leave you with a feeling of hopelessness about what to do next. There's no need for your list to be extensive or highly detailed, but even just planning to watch a movie or cook some of your favorite dishes can give you something to look forward to.

Take care of yourself.

Just because you're not seeing people during the holidays does not mean you should forgo your basic needs. Stick to your regular hygiene habits and do not let them get away from you. The same goes for eating and sleeping. Staying clean, well-fed, and well-rested goes a long way toward improving your happiness.

As with all mental health advice, what works for some does not work for everyone. Do what you think will work best for you and help you keep your thoughts happy.

