

Mark A. Anderson's

LAW TALK



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The Hazards of Halloween

(and I'm not talking about the overeating of candy that I do every year)

It is that time of year where the trick-or-treaters come out of nowhere and descend upon your front porch. Decorating your house for Halloween can be fun, but as with any activity, precautions have to be taken. One of the worst tragedies I have ever handled as an attorney came from a Halloween accident. A young girl went out trick-or-treating in her neighborhood with her family. She was wearing a hand made (and very flammable) costume which came into contact with a candle in a jack-o-lantern on a front porch where she was trick-or-treating. The instant her costume touched the flame, it went up in flames. Despite her family being right there with her, she did not survive. It was absolutely horrible. I learned several lessons from that experience:

- **Never, ever have an open flame on your porch during Halloween.** When the kids come to your door, they crowd around and will cover the entire porch area. Having a candle in a pumpkin which you set off to the side of the porch is not safe enough. No flames whatsoever should be anywhere near the porch. (I have also read of flames igniting curtains inside the house, so be careful inside and out).

- **Never ever use flammable material in a costume.** Most costumes you buy at the store will be made in non-flammable material, but **look for the labels saying "Flame Resistant."** Homemade costumes, which are great fun to make, often incorporate materials that are not rated for clothing. In my legal case, the costume was made from jute (like the kind used to make macramé). It was extremely flammable.

- **Never use costumes with long, draping features or big, baggy sleeves or billowing skirts.** Again, most store bought costumes should be fine. But the home made costumes can be a hazard. For instance, capes are the type of thing that can easily come into contact with open flames. At the least, they can be **tripping hazards** that can lead to a nasty spill if the trick-or-treater starts running (as they are inclined to do) to the next house handing out the free candy.

- **Watch your children (or grandchildren) like a hawk** on Halloween and make sure that when they walk up to a house, the house is up to your standard for safety.

Other Halloween Warnings:

- Purchase or make costumes that are light, bright and clearly visible to motorists.
- For greater visibility during dusk and darkness, **decorate or trim costumes with reflective tape that will glow in the beam of a car's headlights.** Bags or sacks also should be light-colored or decorated with reflective tape. Reflective tape is usually available in hardware, bicycle and sporting goods stores
- Children should carry flashlights to see and be seen.
- Tie hats and scarves securely to prevent them from slipping over children's eyes and obstructing vision.
- **If your child wears a mask, make sure it fits securely, provides adequate ventilation, and has eye holes large enough to allow full vision.**
- Swords, knives and similar costume accessories should be made of soft, flexible materials.

Treats

- Warn children not to eat any treats until an adult has examined them carefully for evidence of tampering.
- Carefully examine any toys or novelty items received by trick-or-treaters under three years of age. **Do not allow young children to have any items that are small enough to present a choking hazard** or that have small parts or components that could separate during use and present a choking hazard.

Decorations

- Remove obstacles from lawns, steps and porches when expecting trick-or-treaters.
- Indoors or outside, **use only lights that have been tested for safety by a recognized testing laboratory**, such as UL. Check each set of lights, new or old, for broken or cracked sockets, frayed or bare wires, or loose connections. Discard damaged sets.
- Don't overload extension cords.

Happy Halloween!



Bicyclists vs. Motorists: Here's the Law...



Unfortunately, Texas is not a very "bike friendly" state. Our North Texas roads rarely have bicycle lanes, so cars and bicycles usually must share the road. Car-bicycle collisions usually result in really bad injuries or even death for the cyclist. But I realize it's sometimes hard to even know the relevant laws on this topic, so I thought I would summarize them for you.

- **VEHICLE LAWS APPLY TO BIKES**—A bicyclist must abide by the same laws that apply to cars. That means they must stop at all stop signs and also must abide by all speed limits! And they must ride with the flow of traffic.
- **RIDE TO THE RIGHT**—Bicyclists must ride to the right as far as possible unless the rider is passing a vehicle, preparing to turn left or if there is a blockage (i.e. parked

car) on the far right.

- **TWO WIDE?**—Bicyclists can ride two abreast as long as they do not impede the normal flow of traffic. And you cannot ride more than two abreast unless you are riding in a part of the roadway set aside for the exclusive operation of bicycles.
- **NIGHT TIME RIDING**—Bicyclist cannot operate a bike at night unless the bike is equipped with a front lamp viewable from at least 500 feet and has a red reflector on the back (For safety reasons, I personally suggest that you also use a battery operated red light which can be purchased at a local bike shop for around \$10).
- **NO CLINGING**—A bicyclist cannot hang on to a vehicle on a roadway and coast along.
- **NO HANDLE BAR RIDES**—A bicyclist can only carry the number of persons the bicycle is equipped to carry. That means no handle bar passengers.
- **WEAR HELMETS**—even though there is no state law governing the use of helmets, most cities have an ordinance mandating the usage of helmets by children. For example, in the City of Fort Worth, all individuals under 18 years of age must wear a helmet.

NOTE: As I mentioned in my last newsletter, Governor Perry recently vetoed some good legislation that would have required motorists to give cyclists and other vulnerable road users at least three feet of clearance when passing. The proposed law would have fined drivers \$500 for violating this law.

Welcome To Our Two New Employees!

The Anderson Law Firm is proud to announce the addition of two more employees. Elisabeth Rodriguez recently joined our team after working 7 years at a local law firm. Elisabeth is a recent graduate from the University of Texas at Arlington where she majored in English. Elisabeth is married and the proud mother of her three year old son, Hunter.

Cindy Olson recently signed on to be the Office Manager of the Anderson Law Firm. After 25 years working as a legal assistant and an office manager at a local insurance defense firm, Cindy is able to bring a unique perspective to the team. Cindy is married and has two sons.

We are very happy to have Elisabeth and Cindy join our firm. Their experiences and talents are certain to enhance the quality of our work and our ability to do the best possible job for our clients.



RECALL ROUNDUP

We all hear about “product recalls” on the news. In almost all instances these products can be returned to the store or manufacturer for a refund, replacement or repair. You would be amazed at the amount of products recalled every day; **in 2008, there were 563 recalls for 43 million unsafe products. As of October 2009, there have already been 409 recalls.**

Although some of the largest and most newsworthy recalls do end up in the news, it really is up to the consumer to make sure the products they’re using are safe. There are a couple of websites that can help you do this. The Consumer Product Safety Commission, which is an independent Federal Regulatory Agency, has a website at www.cpsc.gov that has information on over 4,500 recalls and allows users to search by product type, company, date, and more. On the CPSC website you can sign up to have product recall information sent to your email.

Another good site is www.recalls.gov. This site provides links to all kinds of recall information. While the CPSC only deals with certain consumer products, this site provides links to the

government agencies that regulate things CPSC doesn’t have jurisdiction over. This includes things such as cars, food, medicine and environmental products. Recalls.gov provides links to the recall sections of websites such as the Food and Drug Administration, Environmental Protection Agency, National Highway Traffic Safety Administration and more.

Since **dangerous products can cause an estimated 27,000 deaths every year**, it is important to keep an eye on recalls. It’s also important to remember that even though recalled products cannot legally be sold in stores, you may still run across them in resale or thrift stores and garage sales. If you’re buying children’s items, such as car safety seats or cribs, it is imperative to make sure there have been no recalls issued for those particular products. Many times a recalled product has *already* caused death or serious injury and may very well pose a danger to you and your family.

So make it a point to take a look at these websites and make sure the products you’re using are safe. You can also read about recalls on my blog www.fortworthinjurylawyerblog.com.

Here are some important recalls issued recently you may or may not have heard about:

- Millions of **blinds** were recalled earlier this year from stores such as Target, Pottery Barn Kids and IKEA after children were becoming strangled in the cords that move the blinds up and down. These are the “roman style” shades that have exposed cords in which children can get entangled.
- Toyota recently issued a recall of the **floor mats** in many of their popular brand Toyota and Lexus vehicles. The mat can get caught up on the accelerator and cause a dangerous high speed accident. Until they can find a solution to the problem, Toyota is advising owners of these mats to remove them from the driver’s side of the vehicle and not replace them.
- You probably remember all the news earlier this year about dangerous **lead paint** in children’s toys. Well, Target is now going to pay a \$600,000 civil penalty for carrying so many dangerous products. This just shows that stores as well as manufacturers have a responsibility to ensure they are selling safe products.

Some of the latest cases we’re working on at the Anderson Law Firm

As always, we are busy trying to achieve justice for our clients. Sometimes achieving justice is not so easy, but that’s just fine. We are up for the battle. We have recently been hired for two interesting cases where we expect battles, but also expect victories eventually. One case involves a horrible instance where an 18 wheeler making a right turn at a busy street cut the corner and drove up on the curb. Unfortunately, my 61-year-old disabled client was sitting in her scooter on the sidewalk and got caught underneath the back wheels of the trailer when it jumped the curb. My client was dragged and then run over, leaving her with ex-

tensive injuries, including the loss of a leg. The trucker never bothered to stop, and was only caught by the police after witnesses followed the trucker to his final destination.

Another interesting case has been in the local news recently involving a Grand Prairie day care center that allowed an unlicensed driver to transport children in an overloaded van (more kids than seatbelts). The unlicensed driver ran a red light and was hit by another unlicensed driver. The impact caused the day care van to rollover, resulting in my 4-year-old client (who was indeed seat belted) to be

crushed by unrestrained children. My client suffered a broken leg and numerous deep cuts requiring 40 stitches. It amazes me that the day care facility would allow someone who has never even passed a driver’s test to drive their vehicles with kids on board. The “discovery” phase of this case should be very interesting (at least from an injury lawyer’s perspective), as I expect to be able to uncover a whole lot of sloppy management decisions which led to my client’s injuries. Nothing makes me angrier than seeing children needlessly sustain injuries in a negligent matter that could have been avoided.



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IN THIS ISSUE:

*Halloween Safety
Bicycle Laws*

*Product Recall Information
New Cases, New Employees*

UPDATE ON THE ANDERSON LAW FIRM'S RIDE SAFE RIDE SOBER PROGRAM

•As we had previously announced, we are sponsoring this program to try to prevent local motorcyclists from riding on our roads while under the influence. The firm pays for the tow home for the motorcycle and its owner. All someone has to do is call **817-319-2222** and we will make sure to get the rider and his or her motorcycle home safe. Over the past two weeks, we have received a call from a bar owner with an intoxicated patron and a call from a girlfriend who was concerned about her boyfriend riding home after a night out. In both cases, we made sure the motorcyclists and their bikes got home safe. **Who knows, maybe lives were saved by this program.**

•We have had some key tags made up to help remind motorcyclists of the program—and provide an easy access to the towing service number. If you would like a free key tag for yourself or for a friend who rides motorcycles, just call us or shoot us an email at info@maafirm.com.



Get your free Ride Safe Ride Sober key tag today!



Become a fan of the Ride Safe Ride Sober Program at www.facebook.com/ridesober



Here's our set up at a recent motorcycle event