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# SCOTT MULLINS & COMPANY, L.P.A.

Exceptional Representation For the Injured

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[www.scottmullinslaw.com](http://www.scottmullinslaw.com)

## What happens if your child is injured at school?

When a child is injured at school, many parents think that they've signed away their rights to recover for their child's injuries. Not true. Public schools do have sovereign immunity, meaning it's more difficult to successfully bring a claim against them; however, if your child is injured at school, whether it be the fault of a teacher, another student, or the school district, you may be able to recover for those injuries, depending on the circumstances. Bringing a claim against a public school, or any government entity, entails several key differences compared to other personal injury claims, and vary by state.

### Notice of claim

Before actually bringing a suit against a school, one typically must file a notice of claim, which allows the district to accept or deny an injury claim before a lawsuit is actually filed. It's also interesting to note that schools must carry insurance to cover claims for the type of lawsuit you propose to file.

### Statute of limitations

Those considering a claim against a school should note that the statute of limitations can be very short; in some states you have just 30 days to file a notice of claim against a government entity, though most states allow six months.

### Higher standards

Thanks to sovereign immunity rules, when suing a government agency, the standards of what is considered negligent are very strict. If a student slips and falls in a puddle by a leaking fountain, it's most likely not enough that the school was negligent; a claim would have to prove gross negligence. For example, if a student wearing the proper safety equipment is burned in a lab, the teacher will unlikely be found negligent; however, if the student is not given a pair of safety glasses to wear and gets burned in the eye, the teacher may be accused of gross negligence.

## HOSTING A PARTY? Plan for safety!



With football season in full swing, fire pits extending outdoor time, and Halloween and Thanksgiving festivities, fall is becoming a popular party time. If you will be hosting an event this year, please remember that you owe it (legally!) to your guests to provide a safe environment.

While you are planning a party, don't forget to plan for safety. Before the event, inspect your home for potential dangers, including loose carpeting and rugs that don't lie flat; electric wires that are in walkways; loose stairs and handrails; loose or uneven deck boards; wet leaves or anything slippery on driveways

and walkways; and adequate lighting. For the safety of your guests and pets, put pets in a separate room during the party. Allergies to common food ingredients are exceedingly common. If you know a guest has a food allergy, be sure to label the offending food and tell your guest. If jack-o'-lanterns or candles will be part of the décor, consider using flameless candles.

Once the fun begins, be sure to keep a watchful eye out for things like food spills and safe food temperatures. Don't forget to monitor the alcohol intake of guests, and call a cab for anyone who has too much to drink. And, of course, have fun!

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## When does trolling on the Internet turn into social media defamation?

Trolls! Read the comment section of your favorite online publications or your social media feed and you'll see a ton of off-color, downright nasty comments that are intended to ruffle feathers and hurt feelings. If you are easily offended, you might as well stop reading inflammatory comments written by people hiding behind a user name, because there isn't a thing you can do about it—unless a comment or post is made about a specific individual or business, and is defamatory.



When a person makes a comment about a person or business that is harmful and false, it is considered to be defamatory. If someone, for example, goes to a restaurant and has a lousy experience and writes a public review, it is perfectly legal. If they write a bad review but didn't have a bad experience, or exaggerate a bad experience to make it sound horrendous, that is defamation.

But what about someone who says something personal about you? If someone comments on Facebook that they always thought you were mean, it is their opinion and is not illegal. If they say that you cheat on your spouse and steal from your employer, as long as those things aren't true, it is illegal. Statements like that can split up families and ruin businesses.

***A good rule of thumb is if you wouldn't say it in real life, don't say it online.***



## Car-seat safety

It seems like there is always a car seat that is being recalled for safety reasons, but car seats are coming under fire for a completely different reason: Flame-retardant chemicals in the seats are toxic.

Reports by the Ecology Center, in Michigan, say that substances such as bromine, chlorine, and chlorinated tris, used to meet flammability requirements, can cause serious health problems. In fact, the latter has been banned in the manufacture of children's pajamas because it is a carcinogen.

According to a media release, fifteen 2014-model car seats were tested for specific flame-retardant chemicals. The seats were also tested for bromine (associated with brominated flame retardants), chlorine (indicating the presence of chlorinated flame retardants when detected in a certain range of concentration), lead, and other heavy metals. These substances have been linked to thyroid problems, learning and memory impairment, decreased fertility, behavioral changes, and cancer. Heat and UV-ray exposure in cars can accelerate the release of these chemicals from products into the vehicle environment.

"Car seats save lives. It's absolutely essential that parents put their children in them while driving, regardless of the rating a particular seat received at HealthyStuff.org," said Jeff Gearhart, the Ecology Center's research director. "However, our research shows that some car seats contain more harmful chemicals than others." The best-rated companies in the study included Britax and Clek.



***Substances used in the manufacture of car seats have been linked to thyroid problems, learning and memory impairment, decreased fertility, behavioral changes, and cancer.***

## Hunting accidents

Hunting is a much-loved pastime in this country, but it presents a lot of opportunity for injury. Luckily, most hunters are particularly diligent about their gear and about safety. Nonetheless, according to the International Hunter Education Association (IHEA), every year hundreds of accidents occur.

### Product liability

When you purchase a gun and ammunition, you depend on the manufacturer to provide a product that is in perfect operating order. If a gun or crossbow misfires, it can take a limb or a life. Likewise, defective tree stands have caused serious injury and death. Whether it is a production error or a design flaw, if you are injured—or a loved one killed—because of a manufacturing or design defect, you have a right to be compensated for losses related to the error.

### Premises liability

If you are hunting with permission, whether for free or on lease, on private or public grounds and are injured due to poorly maintained property, trails, or buildings, you can recover for injuries caused by negligence on the part of the property owner/manager.

### Hunter negligence

In order to recover damages from an accident or wrongful death caused by a hunter, one must prove that he or she was negligent. This could mean that they were unlicensed, not following legal restrictions, or that the hunter failed to safely use their firearm, or to act in a reasonable and safe manner. These accidents are typically covered by the other hunter's homeowner's policy. If you are a hunter, you should make a call to your insurance agent and make sure you are covered in case of an accident.

## HUNTER SAFETY TIPS *from IHEA*

1. Treat every gun as if it were loaded.
2. Be in control of your muzzle at all times; don't pull a gun toward you by the muzzle.
3. Keep the barrel and action free of obstructions.
4. Verify your target before pulling the trigger.
5. Disarm guns and store securely with safety engaged when not in use.
6. Never point guns at items that you don't intend to shoot.
7. Never climb or jump with a loaded gun.
8. Don't shoot at hard, flat surfaces or water.
9. Stow guns and ammunition away from children and unsafe adults.
10. Don't drink alcohol before or during shooting activities.

Source: IHEA

## Skin cancer MISDIAGNOSIS

With melanoma on the rise, particularly in young women, it is inevitable that the number of misdiagnosed cases will also increase. Melanoma is the deadliest form of skin cancer but, if caught in the earliest stages, can usually be cured. Once it starts to develop, however, cancer can quickly spread to the lymph system and to other organs of the body. For this reason, it is imperative that patients get an accurate and quick diagnosis.

If a patient has a new, fast-growing, changing, or irregular mole, it seems that a doctor would conduct further testing or refer the patient to a specialist, in the case of a family physician. Unfortunately, in too many cases this doesn't happen. Some doctors make the mistake of declaring a mole normal or ask the patient to wait to see if it changes—especially if a patient has no family history or risk factors.

If a tissue sample is collected, a pathologist may read it incorrectly.

In any of these cases, melanoma would be left to spread, and the chance of removing the cancer is diminished, leaving the patient to face cancer treatments and even death.

If you have a suspicious mole, please consider asking your physician to recommend you to a specialist for an examination.

## Fall driving hazards

Winter isn't the only season that throws tricky driving conditions our way; fall also offers up its own seasonal road hazards. Cooler weather, falling leaves, and deer dashing onto the road can cause deadly fall accidents.

**Cold weather:** Just because it isn't winter doesn't mean temperatures can't dip to freezing, especially after the sun sets. Drivers should be cautious of black ice and bridges, which ice before roads.

**Leaves:** Leaves are slippery when wet and present a skid hazard to drivers and motorcyclists. Leaves can also mask other dangers, such as potholes.

**Deer:** According to the National Highway Traffic Safety Administration, deer cause approximately one million vehicle accidents, 200 fatalities, and over 10,000 personal injuries each year. Deer-related car accidents peak in the fall because animals move closer to roads in search of food and a mate.

Have a safe fall, and call our office immediately if you or a loved one is injured in a car accident.

## FALL CONSUMER RECALLS

Before you bring in your outdoor furniture and equipment in for the season, make sure your furniture haven't been recalled. For a full list of product recalls and information, visit [cpsc.gov](http://cpsc.gov).

### England Smartstove freestanding pellet stoves

Smoke can build up inside the firebox due to ash accumulation, and the glass in the door can break, posing a laceration hazard. Consumers should stop using the unit until repaired and contact the firm to receive a free repair kit and installation instructions. Contact England's Stove Works at **800-641-3066** or online at [heatredefined.com](http://heatredefined.com) and click "Notice."

### KUL fan heaters

The fan heaters can overheat, posing a fire hazard. Consumers should immediately stop using the recalled fan heaters and contact CE North America for instructions on

returning the recalled heaters with a prepaid shipping label. Contact CE North America at **844-645-3208**, via email at [productrecall@cemglobal.com](mailto:productrecall@cemglobal.com), or online at [cemglobal.com](http://cemglobal.com) and click "Product Recall."

### Craftsman brand recalls blower/vacs

The blower/vac's motor can catch fire, posing fire and burn hazards. Consumers should immediately stop using the recalled blower/vacs and contact the Craftsman brand hotline for a full refund. Contact Craftsman at **888-266-7096** or online at [craftsman.com](http://craftsman.com) and click "Product Recalls."

### Pier 1 Swingasan chairs and stands

The suspension hardware on the chair and stand can break, or the stand can become unstable during use, posing a fall hazard. Consumers should immediately stop using the chairs and stands, and contact Pier 1 for a free repair kit, or return the chair and stand to a Pier 1 store for a full refund. Contact Pier 1 at **855-513-5140** or online at [pier1.com](http://pier1.com) and click "Product Notes & Recalls."



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## REFERRALS

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we do not specialize in that area of law, we will refer you to a firm that does.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.



**CALL US.  
YOU'RE GOING  
TO FEEL A WHOLE  
LOT BETTER  
ABOUT THINGS.**

## Collect now for future expenses

After a life-changing injury, you will want to take stock of past and current financial needs. An initial settlement offer that is close to this amount may seem tempting, but don't forget to calculate potential future expenses.

### What are future costs?

If you were severely injured, there is a good chance that medical and other treatment bills will continue well into the future. Rehab, pharmaceuticals, medical equipment, in-home nursing care, assistive devices, and adaptive changes to a home or vehicle can all be calculated as future costs. In addition to the more obvious claims, people can also put a price on permanent disfigurement and loss of enjoyment, and a spouse and family members may be able to recover for loss of consortium (loss of intimacy and relationship due to accident).

Every situation is unique. It's best to discuss your future needs with an attorney.

