

Firm Opinions™

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amusement park safety



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Did you know: Sharks are immune to all known diseases

With summer right around the corner, millions of Americans are gearing up to head to amusement parks, carnivals, and theme parks for thrills and excitement.

Unfortunately, dangers await them as well. Each year, on average, 10,000 people suffer injuries at parks and five people die, according to the Consumer Product Safety Commission (CPSC). Because rules on reporting amusement park accidents and injuries vary so much from state to state, and since many injuries go unreported, the true number of accident injuries is hard to determine.

The injuries that are reported range from less serious ones such as bumps, bruises and small cuts to more serious injuries such as broken bones, brain injuries, paralysis, and loss of limb. In a recent Texas case, a mother at a Six Flags park in Texas had her finger severed when the

ride attendant closed the safety bar without paying attention.

Overall, some of the main reasons for injuries at parks include:

- Rider error, such as standing up during a ride or removing restraints.
- Mechanical failure.
- Ride operator negligence, which may result from inattentiveness or failing to properly secure riders.
- Falls at entrances or exits to rides.

For more information and a better understanding of at-risk rides, ride conditions or ride behavior, please visit www.rideaccidents.com. ■

Thank you for all the responses we received from our first issue of Firm Opinions! Please continue to email us your suggestions, ideas, topics or anything else you would like to discuss to FirmOpinions@AshmoreLaw.com. Please let us know if we can ever be of any assistance to you.

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10 THINGS YOU NEED TO KNOW BEFORE

filing for divorce

1. The cost of most contested divorces in Texas averages more than \$10,000 dollars in legal fees for each spouse.
2. Each county in Texas charges a filing fee when you file your divorce. The filing fees vary, but typically are in the \$300 range.
3. In a contested case, your spouse would typically be served a copy of the petition by a sheriff. In an uncontested case, your spouse can simply sign a Waiver of Service.
4. The fastest time you can complete any divorce in the state of Texas is no less than 60 days.
5. One spouse must be a Texas resident for at least six months and reside in the county where the petition is filed for at least 90 days before the petition can be filed.
6. You may either agree to a settlement or a Judge will decide for you.
7. You may be able to attend the court hearing with only one party present.
8. Texas is a “community property” state.
9. Texas does not have specific provisions for a legal separation.
10. In a decree of divorce a wife may change her name to a previously used name. ■

common mistakes WHEN CREATING YOUR OWN WILL

When it comes to creating Wills in Texas, consumers have a couple of choices – using a legal form or bookstore kit or hiring an attorney. So, why is it in someone’s best interests to have their Will written by an experienced attorney instead of purchasing a kit online for \$19.95?

Texans should look at their situation to decide which better suits their needs. We are not trying to say that those types of [online or bookstore] Wills are always inappropriate. However, we give the following responses to anyone who asks us that question:

I can give myself a haircut. I don’t know what it’s going to look like when I get done, but I can get the clippers to my hair if I’ve got a mind to.

I can give myself an appendectomy because I generally know where it’s located, but it’s probably going to hurt a whole lot.

Those who decide to create their own wills should be aware of some common mistakes that are often made. Most forms do not appropriately appoint an independent executor nor does it meet all of the statutory requirements Texas provides for making probate easy.

The layperson typically will not provide for contingent beneficiaries. A typical layperson will not provide for children born or adopted after the making of the Will. A layperson never answers the question of what he wants to do with his estate for his remote descendants. For example:

If a person has his/her children as beneficiaries or contingent beneficiaries who would have taken under the Will, but one of the children predeceases the decedent and leaves children, the question becomes, ‘What do I do with the grandchildren? I mean, do I leave them an equal share with my own children who did survive me or do I just leave them out all together and let my surviving children take the entire thing?’

Unfortunately, most of the time, laypersons don’t even consider that and just leave out the remote descendants. What happens is that if one of the children predeceases them leaving grandchildren; they just leave their grandchildren out in the cold.

Consult an experienced attorney today to help you with preparing your Will so the probate process can be easy and you don’t accidentally leave someone out. ■

teen drivers THE DISTURBING FACTS

For most teenagers, learning to drive and getting their license is a rite of passage they've looked forward to with excitement and anticipation for many years. Sadly, though, teens and driving can be a dangerous mix.



According to the Centers for Disease Control and Prevention (CDC),

motor vehicle crashes are the leading cause of death for U.S. teens. In 2008, an average of nine teens died every day from motor vehicle crashes and more than 350,000 were treated at emergency departments for injuries. In addition, per mile driven, teens from the ages of 16-19 were four times more likely to crash than older drivers.

Despite the troubling statistics, there is hope for preventing teen crashes. Research shows that states with the strictest and most comprehensive Graduated Driver

Licensing (GDL) systems have reduced teen fatal crashes by 38 percent, and injury crashes by 40 percent. GDL laws delay full licensure and utilize restrictions (such as limits on nighttime driving or the number of passengers allowed) to enable teens to get their initial driving experience under low-risk conditions.

Our firm strongly encourages parents to know, understand, and enforce our state's GDL laws to help keep our teen drivers safe. ■

may fun facts:

Birthstone: Emerald

Birth Flower: Lily of the Valley (Meaning: Sweetness and Humility)

Astrological Signs: Taurus: April 20 – May 20 and Gemini: May 21 – June 20

Physical Fitness And Sports Month
National Hamburger Month

National Egg Month
Better Sleep Month

May 1 Mother Goose Day
May 2 National Pet Week
May 4 National Teacher Day
May 6 National Nurses Day And Week
May 11 Anniversary of The Departure of Lewis And Clark Across America

May 18 Visit Your Relatives Day
May 24 Brooklyn Bridge Opening Anniversary
Buckle Up America! Week
May 26 Birthday of Sally Ride (First Woman in Space)

May Important Dates

May 5: Cinco de Mayo
May 9: Mother's Day
May 15: Armed Forces' Day
May 31: Memorial Day

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weee!



AMUSEMENT PARK SAFETY

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did you know:

SHARKS ARE IMMUNE TO ALL KNOWN DISEASES

Sharks are the only animals that never get sick: they are immune to every known disease including cancer. Their body frames are not made up of bones – they are made of cartilage, the tough, fibrous tissue that shapes our noses and ears. Instead of scales shark skins have small tooth-like spikes that are so sharp that shark skin has long been used as sandpaper. It is thought that some types of big sharks, including the Great White, change sex when they reach a certain size: males become females to ensure survival of their species.

Although sharks are one of the most feared animals, fatal attacks on humans are fairly rare in comparison to many other incidents. Fatal attacks by dogs outnumber sharks ten and more times per year and you are 50 times more likely to be hit by lightning. A

shark attack comparison by PressExposure reads like this:

“The US has a population of 300 million, your odds of being a victim of a shark attack are 1 in 8 million. In comparison, your odds of dying from a fall down the stairs are 1 in 200,000. Your odds of dying from a wasp, bee or hornet sting are 1 in 5.9 million. Your odds of dying from a lightning strike are 1 in 4.3 million. Your odds of drowning in your bathtub are 1 in 800,000. Other causes of death with a higher probability than being attacked by a shark are: dying from an adverse reaction to antibiotics with the odds being 1 in 7 million, being killed by a falling object has odds of 1 in 400,000, being killed by an agricultural machine has odds of 1 in 500,000 and being killed in a motor vehicle accident has odds of 1 in 6,000.” ■

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