

Insider's Legal Guide

Vehicle Accidents

Medical Malpractice

Daycare Abuse

Nursing Home Negligence

Birth Injury

Product Liability



Sometimes it's What They DON'T Do

Daycare providers can cause abuse by responsibilities they neglect

Daycare neglect is one of the most easily-hidden types of child abuse. Because a great deal of the abuse is passive, there isn't the bruising or psychological damage that oftentimes characterizes physical abuse. Have no doubts, neglect can be just as dangerous to a child.

One sign to watch out for in your child is apathy. Inspiration drives children to learn and to succeed. When they're ignored and become bored, it tends to diminish their natural spark of enthusiasm.

Good daycare facilities oftentimes use a low caregiver-to-child ratio as a selling point. In fact, it is a great selling point because low ratios mean that the children get a lot of attention from the caregivers on an individual basis. Good caregivers are friends and authority figures to children and can make the child's time at daycare enriching and fun. When they neglect the children, however, the results can be disastrous.

If your child seems dirty when they come home, it's another sign that the daycare may be neglecting its responsibilities. There will be times, of course, when you'll pick up your child directly after they've discovered the joys of mud puddles or other messy curiosities, but this should not be the norm.

In some case, the neglect may be toward the facility itself. Children need extra protection against unsanitary conditions and illnesses. When the facilities aren't cleaned and maintained according to standards, you may find that your child gets sick a lot. If this is happening to you, take a look around the daycare center the next time you're there. The standards for cleanliness should be very high and, in the best cases, the facility will work hard to go far above and beyond state standards.

Neglecting children is a form of daycare abuse. Simply put, when the daycare takes you on as a client, they're agreeing to watch out for your child. If they've failed in this, and your child is injured, you should consult with an attorney.

Some daycare facilities neglect the children outright. Children need socialization, attention, praise and encouragement, as well as discipline. Providing these things is a complex task and good providers do it very well. Poor providers, however, may end up running what amounts to a warehouse for children where they spend their days doing little if anything at all.

Visit www.jrlawfirm.com/getfreereport to get your free copy of Jeff's book on daycare abuse and neglect, *Preventing, Discovering & Acting on Claims of Daycare & Childcare Abuse*.



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Meet Your Team - Ryan Anderson, Attorney

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Do you Have a Case? Know your Limits

Victims of medical malpractice must share their personal story in order to move forward with a case.

It's always difficult, and sometimes embarrassing, to share personal medical information. When patients believe they've been the victim of physician malpractice, they are required to do just that. Although some people may find themselves embarrassed by this, once you understand malpractice law and why it exists, you'll likely understand why some victims of medical negligence take this courageous step.

Physicians have a unique place in society. They have a duty that does not come from being elected or appointed to a high post. They are highly educated, of course, but not all doctors are responsible in their duties and, sometimes, that means their patients suffer. When this happens, medical malpractice laws are there to help victims fight back.

These laws cover more than botched surgeries or treatments. Many cases, around 40 percent of those filed, in fact, are the result of a doctor failing to diagnose a condition. Some occasions it's imperative that conditions are found early. Doctors sometimes fail to conduct certain tests, misread medical records, and fail to see obvious warning signs, even though they should have known.

Negligence doesn't necessarily mean incompetence. The doctor could be very good at what they do but some mistakes are not acceptable and, in the field of medicine, many mistakes can be fatal.

Other medical malpractice cases involve patients actually being given a treatment for a condition that they don't have or the wrong treatment for a condition they do have. A doctor has a duty to their patient to provide the best medical care possible. If they don't live up to this and their sloppy practice causes real harm, patients have the law on their side.

You'll have to talk to a lawyer to see if you have a viable malpractice claim. If you do, they may recommend pushing forward with the case. The doctor's insurance company may opt to go to trial to have a jury hear the facts of the case or they may decide to settle with you out of court. There is no way to guarantee that you have a case or that your case will win, but one thing is certain, if you have been wronged by a medical professional, your story will provide the necessary information to move forward with your case

Stay in your comfort zone for safer winter driving.

In many cases, a winter or bad weather car accident is the direct result of someone knowingly going beyond their abilities where driving is concerned. The first question when assessing the condition of the roads is always whether or not you're comfortable with driving. If you're not, you shouldn't drive. If you cannot avoid driving in inclement weather, there are several ways you can improve your chances of staying safe.

When you're the slowest person on the road and you know other drivers are fed up with it, it's easy to start speeding up beyond your comfort zone out of intimidation or simply out of not wanting to hold other people up. Don't fall into this trap. If someone is really so impatient that you can see them yelling at you out of the rearview, go ahead and pull over or just let them by. You're not responsible for their opinions about your driving, and they're probably someone you don't want to be near on the roads, anyway.

A big rig crash becomes more of a risk when the roads are slick. Be sure to stay away from large trucks, especially in areas where the traffic is moving fast. They have an even harder time stopping than do cars, obviously, and they appreciate the extra room. Make sure that you have your lights on if you're alongside a truck in rainy, foggy or snowy weather. If there's a lot of precipitation being kicked up on the road, your lights may be all they can see.

Winter driving can be safe and enjoyable if you're not rushed or overwhelmed by the experience. If you can take side roads instead of main roads, it's oftentimes a lot more relaxed. You'll also have fewer cars around and it will give you an opportunity to take in the surroundings.

People have a responsibility to be aware of what's going on around them when they're on the road, no matter what the weather may be like. If someone hits your vehicle and causes damage or injuries, you should meet with a lawyer about it. They may be able to assist you in recovering the maximum amount for damages and injuries.



The Promises we Make...to Ourselves

If kept, New Year's resolutions are an opportunity to better our lives

Every January, millions of people take the New Year as an opportunity to make changes in their life. I look at New Year's resolutions as promises we make to ourselves to better ourselves in the new year. These promises can often span many different areas of your life and vary from person to person. Although they can touch on different goals and aspects of a person's life, resolutions are unified by the simple theme of becoming a better person and improving our life.

Resolutions vary from person to person, but there are several changes that are certain to be desired by many people. You can be sure the top resolutions for 2011 will not be much different than those in 2010, 2009 or even 1999 for that matter.

Losing weight, eating better, stopping smoking, getting organized – these same resolutions are repeated year after year. And every year, the same people fail to meet these promises to themselves.

The question is why?

My theory is that while it is normally easy to recognize areas of your life you desire to change – it's hard to actually take the time to develop a real plan to achieve this desired change. It is even harder to enact your plan and commit to real change.

It's simple to say, "This year, I want to lose weight." It's not as common to say, "This year, I will lose weight by doing X." To fulfil promises we make to ourselves, we must create a detailed path to follow. Consider the following advice when making and enacting your changes for 2011:

- 1. Recognize your need.** Before you can move forward with your new resolution, you must decide what it is that you would like to change.
- 2. Set goals.** This is where it gets tough. It is important to set up specific, attainable goals that are spread out over the course of the year.

Do it in a way that allows you to divide and conquer over the course of the year.

3. Enact change. Now that you have smaller, shorter term goals ready to be met, it is time to make the changes needed to meet them. Make no mistake about it, this is the hardest step. It has all been talk to this point. This step will often include major changes in behavior and lifestyle, but hopefully you have goals created in a way that will allow for a gradual acclimation to your lifestyle change.

4. Accountability is key. Do whatever it takes to hold yourself accountable. Tell loved ones of your resolution and goals so they can assist you in your journey. Having another person there to hold you to your promise is a proven way to stick to your new lifestyle.

Another tool for accountability is to keep a journal or log of your progress. This will help you to visualize and keep track of where you are in relation to your goals. Also, do not forget to reward yourself when a goal is met. You've earned it!

While resolutions are obviously not mandatory and there are many people that choose not to make them, I find them to be a great chance to reflect on our lives and an opportunity to alter our lifestyles in a positive manner. Hopefully this advice will be of use to you throughout the New Year.

I wish you and yours nothing but the best in 2011 and beyond!



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Meet Your Legal Team - Ryan Anderson

Personal Injury Attorney

Ryan, a native of Dallas, is a graduate of the University of Texas at Austin and received his Juris Doctorate from Saint Mary's. He is an experienced personal injury and auto accident attorney who has successfully represented several different clients since joining the firm in the latter part of 2010. His clients love his dedicated and no nonsense, tenacious approach to law.

Outside of the courtroom, you can find Ryan enjoying time with his 3-year-old son - cheering on his hometown Cowboys, Stars, Mavs and Rangers. Ryan is also an avid photographer and loves to play ice hockey among other sports.

As a personal injury attorney, I have the opportunity to help individuals in my hometown community. I love the Dallas area and feel blessed to be at Rasansky Law Firm working with a group of people who share my same passion for helping others and making a difference.

- Ryan



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