



FOR THE DEFENSE

September 2017

"Do not withhold good from those to whom it is due, when it is in your power to act."

Proverbs 2:27

Greetings from Fred Arias



The hot summer months have come to an end. Children are back in school, the leaves will begin to turn, and America's pastime is back: that is, football! Unfortunately, Mother Nature, in her unpredictable way, knew how to crush our excitement. First, Harvey and then Irma. Both indiscriminately turned lives upside down. Lives forever changed. But, it was during this time that we saw the best of humanity: people of different races, cultures, and socio-economic status all working together with compassion for a common purpose; not bickering over ideological or political differences; teamwork on display; and working hand in hand to confront the adversity presented to them. These moments further remind us to be grateful for the people and partnerships in our lives. From us to you, thank you!



Our paralegal's neighborhood in Houston.

New Texas Laws

DJ Hardy

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Welcome to the latest edition of Fletcher Farley's Newsletter, which we hope you find interesting and helpful.

If you have any comments, questions or would like more information from us, please contact Doug or Joanna.

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Register Now for the
Texas Law Update in
Chicago!



September in Texas brings football season, dove season, and new laws. Many of these new laws have potential civil implications.

Below are just a few of these laws:



House Bill 62 amended the Texas Transportation Code to make Texas the 47th state to ban texting and driving. This bill prohibits drivers on public roads from using wireless communication devices to read, write, or send electronic messages while operating a motor vehicle. Texting and driving will be punishable by a fine up to \$200 (with multiple offenses). If a car accident caused by texting and driving results in the death or bodily injury of another person, the offender can be charged with a Class A misdemeanor. We expect plaintiff's attorneys will attempt to use citations for texting and driving to establish negligence either by establishing the driver was texting at the time of the accident or had a history of texting and driving.

House Bill 1774 amended the Texas Insurance Code to establish requirements and procedures applicable to certain actions on a claim against an insurer or an agent arising from damage to a loss of covered property caused by forces of nature. This bill was designed to deter frivolous hail storm claims. A claimant must now give 61 days' notice prior to filing a lawsuit. This notice is admissible in a civil action or alternative dispute resolution. The bill also set conditions limiting the amount of attorney's fees that may be awarded to a claimant and lowered the recoverable interest rate.

House Bill 478 amended the Texas Civil Practice & Remedies Code to grant immunity to a person who breaks into a vehicle to rescue children, those unable to protect themselves, or domesticated animals that are in harm's way due to their involuntary confinement within the vehicle. This immunity extends to civil liability for damages arising from the entry into the vehicle or removal of the vulnerable entity from the vehicle under certain conditions.

House Bill 590 amended the Texas Civil Practice & Remedies Code to provide that a first responder (peace officer, fire protection personnel, volunteer fire fighter, or emergency medical services personnel), who in good faith provides road side assistance, is not liable for civil damages for an act or omission occurring while the first responder is providing road side assistance, unless the act or omission constitutes gross negligence, recklessness or intentional misconduct.

Finally, House Bill 3535 amended the Parks and Wildlife Code to allow qualified land owners or the land owners' agent to contract to use a hot air balloon to hunt feral hogs or coyotes under the authority of a permit issued under the Parks and Wildlife Code. While this law will not apply to a majority of cases filed in Texas, it should create some interesting case law.

If you have any questions about these or any other new law in Texas and its civil implications please do not hesitate to give us a call.

Conflicts Resolved

Fletcher Farley Obtains Favorable Verdict

REGISTER NOW! Chicago, October 20th

Please join us for our annual Texas Law Update at the Swissotel Chicago.

For more information and to register for this event, please [click here](#).

Join Our Mailing List!

Honoring 25 Years with 25 Acts of Kindness

Hurricane Harvey Relief Fund

Our thoughts and prayers remain with our fellow Texans affected by Hurricane Harvey. We were privileged to lend a hand to our neighbors. To learn more, [click here](#).



Our donations getting ready to hit the road.

Cookie Packing Party

The Dallas office got together to bake and buy cookies to bag up for the SoupMobile to distribute to the homeless. To learn more, [click here](#).



Our associates, DJ Hardy, Ryan Curry and Alex Bell (from left to right) are hard at work.

Fletcher Farley Sponsored Bogeys and Birds

This annual golf outing was

[Fred Arias](#) and [DJ Hardy](#) recently obtained a favorable verdict from a jury in Dallas County, Texas. Plaintiff was a passenger in our client's shuttle bus which was involved in a T-bone collision. Plaintiff was thrown across the van and his head went through one of the windows. Plaintiff claimed injuries to his head, neck, back, and right shoulder.

In addition to over \$40,000.00 in past medical expenses Plaintiff claimed at trial he would require a second right shoulder surgery. After a two day trial the jury did not award Plaintiff any future medical expenses or damages for future physical pain, mental anguish or physical impairment. Additionally the jury did not award Plaintiff the full amount of past medical expenses, opting to award him less than what he was claiming. The jury's verdict was within our evaluation of exposure.

Congratulations

Super Lawyer Selects Doug Fletcher and Steven Springer

We're proud to announce the selection of [Doug Fletcher](#) and [Steven Springer](#) to the 2017 Texas Super Lawyers list!

This is an exclusive list, recognizing no more than five percent of attorneys in Texas. To read more, please [click here](#).



held on August 31st at Queenstown Harbor Golf Links in Queenstown, MD.

This annual event is a fundraiser to help children in need - specifically with education. To read more about The Foundation and this event, please [click here](#).

Tackling Alzheimer's

The 10th Annual BvB Dallas powder-puff football game was held on August 10th at the Cotton Bowl in Dallas, TX.

This event is a fund-raiser for Alzheimer's disease research & awareness. To learn more, [click here](#).

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