

CLANCY & DIAZ, LLP
PERSONAL INJURY ATTORNEYS

3 Simple Halloween Safety Tips

Many people love the magic of Halloween, and with the spooky holiday taking place at the end of this month, there are some tips you should know to keep safe.

Likewise, drivers should remember to watch for trick-or-treaters and use caution on Halloween to avoid causing a serious pedestrian accident.



Choose a safe costume

The U.S. Food & Drug Administration, the Consumer Product Safety Commission, and the Centers for Disease Control and Prevention offer the following costume safety guidelines:

- Use only fire-resistant costumes, wigs, and accessories. For homemade costumes, use flame-resistant materials such as polyester or nylon. Ensure the costume isn't too long and doesn't pose a tripping hazard.
- Use reflective tape on costumes and trick-or-treat bags to increase visibility. Glow sticks also help make people more visible to drivers.
- Use nontoxic makeup instead of masks (they obscure vision) but be sure to test the makeup on a small part of your skin first to ensure it doesn't irritate it. Remember to wash the makeup off before bed to avoid skin and eye irritation. Also, avoid wearing decorative contact lenses unless you've seen your eye doctor for a proper fitting.

Be careful when trick-or-treating

According to the National Safety Council, children are two times more likely to be hit by a car and killed on Halloween than on any other day. This is primarily due to the lack of visibility at night and drivers not keeping a lookout for pedestrians.

When trick-or-treating, remember:

- A responsible adult should always accompany young children.
- Older children going out on their own should stick to a parent-approved route.
- Parents should set a curfew for children going trick-or-treating on their own.
- Children should never go inside a stranger's home or car.
- Stick with your group and travel in well-lit, familiar areas.
- Tell kids to avoid eating candy until they return home. In addition, be mindful of food allergies.
- Keep your head up and never run across the street. Remember to pay attention. Do not walk while looking at or talking on a cell phone or another electronic device.

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Is Marijuana Causing More Fatal Car Accidents in California?

A recent study seeking a connection between marijuana and an upsurge in car accidents has made some unexpected discoveries.

Researchers at the Insurance Institute for Highway Safety (IIHS) reviewed the combined data for five states that legalized recreational marijuana: California, Colorado, Nevada, Oregon, and Washington.

They found that, compared to other Western states where recreational marijuana remained illegal, injury crash rates rose by 6%, and fatal crash rates rose by 4% in the months following the relaxation of marijuana laws in each state.

The link between marijuana and the overall crash rate remains somewhat murky. Regardless, one clear finding from the study is that using marijuana and alcohol significantly increased the risk of a crash, suggesting that recreational marijuana may have spurred some motorists to drink and use marijuana together.

How does marijuana affect drivers?

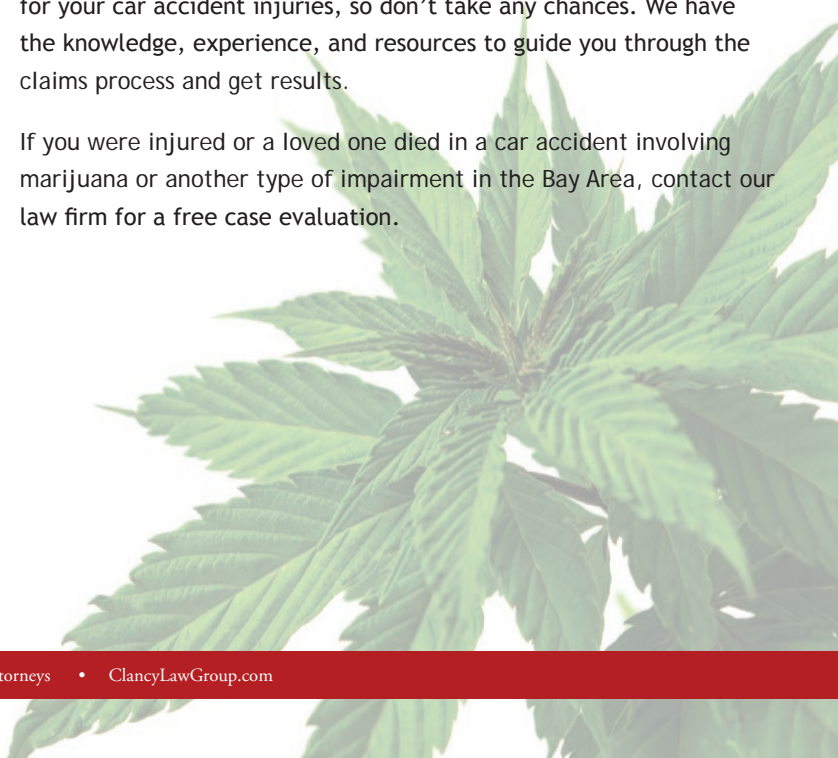
Many studies have concluded that marijuana use decreases a person's ability to drive safely and raises risks to others on the road.

- Marijuana use is known to impair judgment, motor coordination, road tracking, lane keeping, and reaction time.
- Cannabis has a negative effect on attention, memory, and intellectual function.
- Marijuana can increase a driver's heart rate and cause anxiety and paranoia, distracting the driver from the roadway.
- In a crash, drivers with high levels of THC in their blood are three to seven times more likely to be responsible for the incident than drivers who have not used drugs or alcohol.

The technology and laws around cannabis are evolving. At Clancy & Diaz, we have extensive experience recovering damages for victims of marijuana-related car accidents in California.

Remember, you only have one shot at getting maximum compensation for your car accident injuries, so don't take any chances. We have the knowledge, experience, and resources to guide you through the claims process and get results.

If you were injured or a loved one died in a car accident involving marijuana or another type of impairment in the Bay Area, contact our law firm for a free case evaluation.





What Are the Elements of a Slip and Fall Claim?

Property owners and managers are responsible for keeping their premises reasonably safe and free of hazards. This includes retail stores, supermarkets, bars, restaurants, office buildings, stairwells, parking garages, apartment complexes, and private residences.

Under California law, you may be entitled to compensation for your medical bills and other losses if you were injured in a slip and fall or another type of accident on someone else's property.

Slip and Fall Accidents & Premises Liability

Slip and fall claims are under the legal category of premises liability. In California, property owners and managers are legally responsible for providing tenants, customers, guests, and visitors with a reasonably safe and hazard-free environment.

When that duty of care is not upheld and dangerous conditions are allowed to exist, the property owner may be liable for any injuries sustained due to the hazardous conditions.

To have a valid slip and fall claim in California, the following circumstances must apply:

- A dangerous condition existed on the property, causing you to fall. This may include a slippery surface or spill; a loose or broken handrail; a poorly lit area; boxes, cords, debris, clutter, and other tripping hazards; uneven carpeting, or loose floor mats.
- The property owner knew or should have known about the hazard. Property owners and managers who know about a specific dangerous condition on the property, such as a broken handrail, can be held liable if they fail to address the hazard. In certain situations, they can be held responsible if they should have reasonably known about the unsafe condition on the property and someone was injured due to that hazard.
- You were injured as a direct result of the hazard. Finally, you must have suffered specific damages due to the unsafe condition. For example, you can't trip and fall in a parking lot and claim a slippery floor inside the grocery store is the cause of your accident.

In many cases, property owners facing a slip and fall claim will argue that they did not know and could not have known about the hazardous condition and, therefore, should not be held accountable for the victim's losses.

Other times, the property owner will claim that the victim is to blame for the slip and fall because sufficient warning about the hazard was given or the danger was obvious.

In short, if you were injured in a slip and fall on someone else's property, you need to know that property owners often go to great lengths to hide evidence, repair safety violations after the fact, and deny responsibility for your damages. As such, hiring a slip and fall attorney to find the facts that matter and advocate for your best interests can make a meaningful difference in the outcome of your case.

At Clancy & Diaz, we proudly fight for the injured in the Bay Area. We know how to take on property owners and insurance companies. And we understand what it takes to build a winning slip and fall claim in California. Schedule your free and confidential case evaluation with our law firm to learn more about how we can help you.

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Watch out for pedestrians when driving on Halloween

While there are things you can do to keep yourself safe on Halloween, motorists also have a duty to keep a lookout for pedestrians and follow the rules of the road.

If you're driving on Halloween, you should:

- Remember that children will be walking on roadways, medians, sidewalks, and curbs. Children can be unpredictable, and if you're going too fast, texting, or otherwise being reckless, you may cause a serious accident.
- Carefully enter and exit driveways and alleys. Use extra caution when turning and when driving through neighborhoods and school zones.
- Be mindful that children and adults may be wearing dark costumes, making it harder for you to see them at twilight and in the dark.
- Stay home if you're a new, inexperienced driver.

We hope you and your loved ones have a safe and enjoyable Halloween. However, if you or someone you love is injured in an accident on Halloween, it's critical that you know your legal rights and options.

At Clancy & Diaz, we can protect your rights and fight for the compensation you're entitled to under California law. To learn more about how our law firm can help you, schedule a free case evaluation.

Give us a call today for a free consultation.

