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Cases We Handle:

- Personal Injury
- Criminal Law/DWI
- Wrongful Death
- Business Law

Not Your Ordinary Turkey Shoot

The Crazy Case of Jacobs v. Kent

It began like any other hunting excursion. Neil Jacobs was walking softly through the bushes, looking for a spot to hunker down and watch for a flock of turkeys. The only problem was that someone beat him to that neck of the woods. James Kent had established a hunting spot for himself, and, when he heard rustling and gobbling in some nearby bushes and saw a flash of red, he took aim and fired.

Unfortunately, the movement in the bushes was not a turkey. Kent was horrified to find that he had shot Jacobs. Jacobs promptly moved for a partial summary judgment against Kent on the basis that he had failed to determine that Jacobs was not a turkey but, in fact, a human being. Kent cross-moved for summary judgment, saying Jacobs should have expected risks when he stepped into a popular hunting environment.

When their case came before the Supreme Court of the 4th District of New York, the courts denied both the motion and the cross-motion. They agreed that Jacobs had assumed the inherent risks of hunting



— just not the risks it would be unreasonable to assume, like getting shot by another hunter who thought you were a turkey. Beyond that, the courts did not pronounce judgment because they did not have enough verifiable facts.

Jacobs asserted that turkey hunters should not shoot unless they can see the turkey and verify its gender. The court could not determine whether Kent had failed to follow this rule when he shot Jacobs. They also could not determine whether the doctrine of primary assumption of risk, which Kent pointed to in his defense, was even applicable. The court also called into question whether Jacobs had also been negligent. Ultimately, the case didn't move forward.

Maybe next time, they should just try getting a turkey from the supermarket.

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THE TEXAS LAW DOG



I COME TO FIGHT. I DON'T BARK. I BITE!

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EXPRESS YOURSELF!

WHY GRATITUDE MEANS SO MUCH TO ME

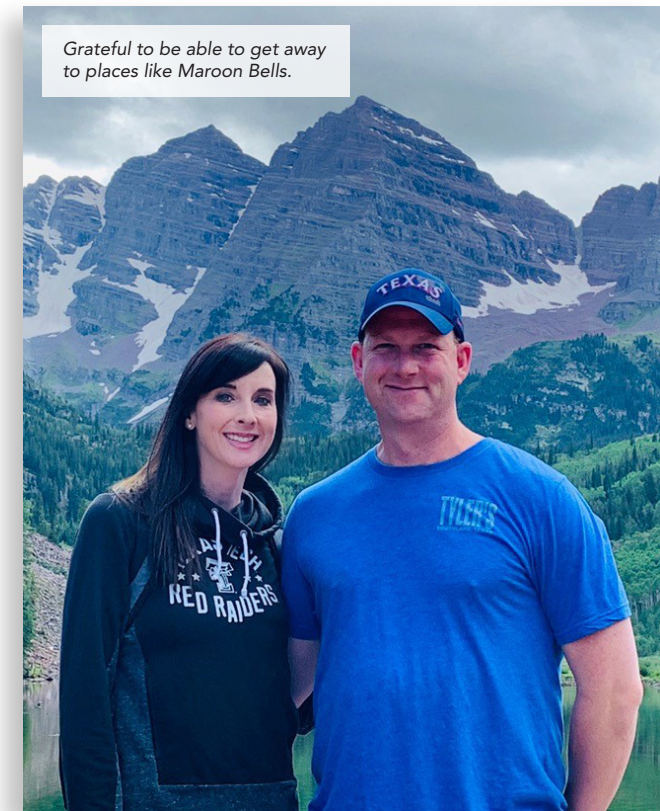
If you know me, you know how much gratitude means to me. Since it's November and Thanksgiving is right around the corner, there is no better time to talk about gratitude and share a few things I'm thankful for this year.

One thing I'm incredibly grateful for is the growth of the law firm. Thanks to the help of so many folks, we are now a mighty team of five and have some great cases to work on. The amount of growth our firm has experienced in the brief 17 months since opening is incredibly encouraging, and it's only possible because of our referral partners. I can't say thanks enough!

While building the new firm has kept me busy, I was still able to make some time to get away and see a few cool places this year. Some of my trips were focused on continuing education for work (which is very important in law), and others were much-needed getaways with Alison. Cool places I've been this year include St. Louis, New Orleans, Charleston, Aspen, and Park City. The picture is a shot of me and Alison in Aspen. It was such a great time!

Gratitude is something I think about every single day. In fact, I have a designated spot in my day planner where I try to write down the top three things I'm thankful for each day. I try to challenge myself by thinking of new items for the list so I avoid writing down the same things each day, though sometimes I'm repeatedly grateful for one major aspect of my life and can't help but list it more than once!

Through this practice of keeping a gratitude list, I find there is always something to be grateful for — even on the worst days. I've learned that the bad days are when I need to have even more gratitude. This comes down to a few simple reasons: Feeling grateful makes me happier, healthier, more optimistic; increases my spiritualism; and reduces my materialism. Really, it just makes me feel better.



That said, gratitude isn't a cure-all. Jotting down a few things you are thankful for is not going to instantly transform a bad day into a good one, but it does help. It's a massively underutilized tool for improving life satisfaction and happiness. The more you share your gratitude, the more effective the practice is in helping you achieve that satisfaction and happiness.

I don't just confine my gratefulness to my day planner; I love to share it with others, as well. One of my favorite ways to share gratitude with another person is through a handwritten thank-you note. I've been averaging six notes per month this year. As I write

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Engage Your Kids on Thanksgiving

With These Gratitude-Themed Games

Thanksgiving is an excellent time to teach children about gratefulness. By planning some fun, gratitude-themed games, you can impart a valuable lesson and spend some quality family time together. Get your kids in the holiday spirit by adding a Thanksgiving twist to these classic games.

Pictionary

Want to bring out your kids' creative sides? Pictionary is the perfect way to encourage artistic expression and grateful thinking. Try adding a rule where players have to draw something they're grateful for. This will get your kids thinking beyond turkey and stuffing and give them an imaginative way to express their gratitude. Plus, who doesn't love a good art contest?

Guess Who?

To play gratitude-themed Guess Who?, have each participant write down their name and something they're thankful for on a slip of paper and put it in a bowl. Then, at the dinner table, have each person draw a random slip and read what it says without saying the name while everyone else tries to guess who wrote it. While Pictionary may get your kids talking about what they are thankful for, Guess Who? will tune them into what others around them are thankful for too.

Pick-Up Sticks

Like regular pick-up sticks, the goal is to remove a stick from a haphazard pile without disturbing the others. However, by using colored sticks that represent different kinds of thankfulness — such as places, people, or food — you can make players think outside the box. This will ensure you get a wide range of creative, thoughtful answers whenever the kids pick up a stick.

These modified games are great for helping your kids realize how much they have to be thankful for. Use these to spend some fun, educational, quality time with your family this Thanksgiving.



Should You Drive After Your Thanksgiving Meal?

Thanksgiving is right around the corner, and many people are looking forward to the food this holiday always brings. There's nothing like a serving of turkey, stuffing, and mashed potatoes to put us in prime napping condition.

However, if you feel like napping after dinner, avoid getting behind the wheel. Many Americans report feeling tired throughout the day, so being a bit sleepy while driving might not seem like such a big deal. In reality, drowsy driving is incredibly dangerous, and according to the National Highway Traffic Safety Administration, it accounts for about 30% of traffic accidents.

Research from the National Sleep Foundation found drowsy driving might be as dangerous as driving while inebriated. After being awake for 18 hours, drivers exhibit the same responses as if they had a BAC of 0.05%. Meanwhile, being awake for 24 hours is like having a BAC of 0.10%. For context, a BAC of 0.08% is considered drunk.

Here are some of the signs of drowsy driving:

- Trouble focusing
- Heavy eyelids
- Yawning
- Bobbing your head
- Drifting from your lane
- Missing your exit
- Being unable to remember the last stretch of road

When sleep starts to tug at their eyelids, many drivers roll down the window to get a blast of cold air or turn up the radio extra loud. Unfortunately, these tactics only startle a driver back into alertness for a brief moment and fail to address the dangers of drowsy driving. If you feel drowsy behind the wheel, the National Sleep Foundation recommends safely pulling over to take a 20-minute nap, drinking a cup of caffeinated coffee, or, if possible, switching drivers.

The best way to prevent drowsy driving is to get enough sleep, not drive late at night, and make sure you are not living with an undiagnosed sleep disorder. A little extra precaution can help make sure you and your passengers all get home safely.

3 Tips for Helping a Loved One After an Auto Accident

Car accidents happen to the best of us. Even if you personally haven't been involved in a car accident, chances are you know someone who has, like a family member, a friend, or a neighbor.

According to the National Highway Traffic Safety Administration, in 2015, there was an average of 17,250 car accidents per day in the U.S. That's over 6.2 million for the year, and these numbers continue to climb with each year.

If someone you know is involved in an auto accident, one of the best things you can do is simply be there for them. Being there for someone who has been in an accident, whether it's major or minor, can make a world of difference



in their recovery. Here are some ways you can get involved.

Drive them to appointments.

After an accident, they may not have regular access to a car. This means they may need help going to doctor appointments, driving to meetings with their attorneys, or getting groceries. Offer to take them where they need to go and let them know you're there for them in their time of need.

Spend time with them.

The days, weeks, and sometimes months following an auto accident can be exhausting. The person involved in the accident may not have the energy or desire to get out and do things. Spending extra time with them at home ensures an ongoing social life without any overexertion. It can be as simple as watching a new Netflix show and ordering a pizza.

Bring or make them food.

When you're spending time together, offer to order in, make them a healthy meal (with a few days' worth of leftovers), or go all out and help them meal plan for the days and weeks ahead. They may not have the time or energy to think about food, but it's a necessity.



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this newsletter, I'm realizing that I have not been writing as many lately and I need to renew my focus on this! It's just so important to share sincere feelings with others.

I also believe in tipping well for service and see this as another expression of my gratitude. What might only be a few extra dollars out of my pocket can really make someone's day when they rely on that income to make a living. It also makes them feel good to see their efforts acknowledged! A tip is almost a thank-you note in itself.

Giving hugs is another way to show gratitude. Hugs have been proven to decrease stress levels for everyone involved! I can't think of a better way to reduce some stress and show gratitude for someone having a rough day.

So, I encourage you to share your gratitude with people in your life. Send a thank-you note or just give them a hug. The great thing about showing gratitude is you don't have to wait until Thanksgiving to do it — you can show it any time of the year. It's never too late to get started!

-Matt Aulsbrook

HOME COOKIN'

BURNISHED POTATO NUGGETS

Inspired by Bon Appétit

INGREDIENTS

- 5 lbs russet potatoes, peeled and cut into 2-inch pieces
- 1/4 cup vegetable oil
- Kosher salt
- 8 cloves garlic, crushed
- 1/2 cup extra-virgin olive oil
- 2 sprigs rosemary

DIRECTIONS

1. Heat oven to 425 F.
2. In a large pot, pour water over potatoes to cover by 2 inches. Salt water and bring to a boil over medium-high heat. Reduce heat and simmer gently for 10 minutes.
3. Thoroughly drain potatoes and let stand uncovered a few minutes to allow steam to escape and potatoes to dry slightly. Toss gently and season with salt.
4. Meanwhile, combine both oils in a large pan and heat in oven for 10 minutes.
5. Remove pan from oven and add potatoes, turning to coat thoroughly. Return to oven and cook for 30 minutes, turning every 10 minutes.
6. Toss in garlic and rosemary and cook 8-10 minutes, or until potatoes are golden brown.
7. Drain and serve.