

A NEWSLETTER FROM

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Eminent Domain, Personal Injury and Family Law

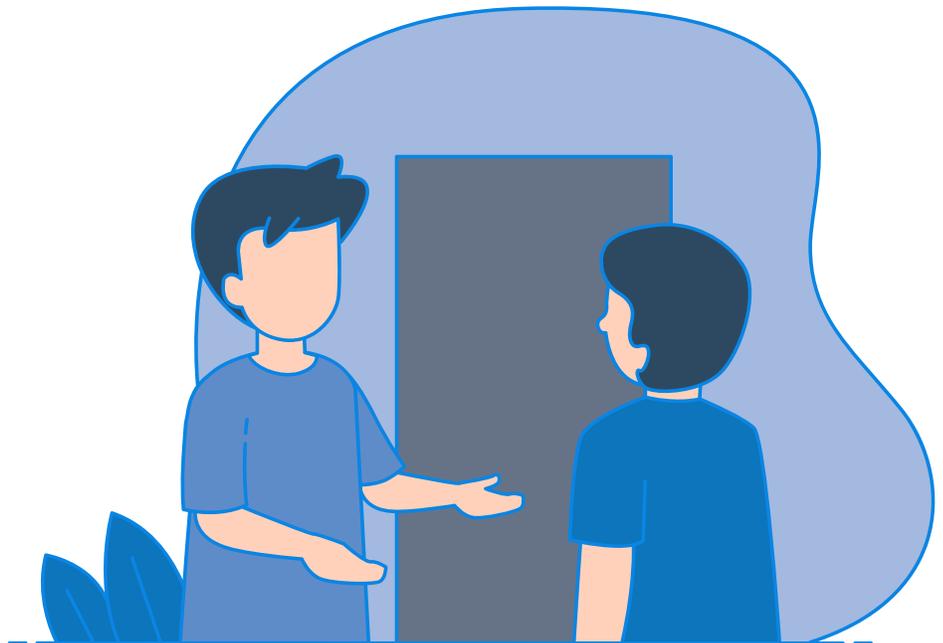
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How to Break the Ice at a Party

Crossing the Threshold

Some people walk into a room and are greeted like Norm walking into Cheers. The rest of us have to find a seamless way to get over the threshold and into the party. Here are a few tips:

- First, take 8 beats to breathe – in for a count of four, out for a count of four. Now, smile and do a quick scan of the room.
- Do you see your host?



Someone Was Injured On My Property. Can I Be Held Responsible?

The short answer to this question is: Maybe.

property you own or control, whether you are responsible

When someone gets hurt on

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for their injuries will depend, broadly speaking, on who was injured; why he or she was on your property; and how the injury occurred.

I. The Old Rule: Did You Grant the Person Permission to be on the Property?

State laws vary as to how liability is determined in these cases. Some states follow a traditional, slightly more complicated rule; other states take a simpler approach.

In states that follow the traditional, "old rule" approach, the injured person's right to recover

compensation for the harm he has suffered (in legal terms, his "damages") depends on how he got onto your property.

Invitees

People who are invited onto the land have a right to expect the landowner or possessor to exercise reasonable care to protect them from reasonably foreseeable injuries. A person does not need to be expressly invited or issued a formal invitation to be considered an "invitee." For example, a person injured on the premises of a business, hospital or library that is

open to the public is generally said to be an invitee.

The landowner or possessor is not responsible for every possible injury to an invitee, only those that are reasonably foreseeable. A classic example of a foreseeable injury is a slip-and-fall in a puddle left by a janitor in a public place. In contrast, a bar owner may not be liable to a patron who is beaten up at the bar by another patron if there is no proof that the bar owner knew the other patron would behave that way. The injury was unforeseeable.

Licensees

A licensee is a person who has been granted permission by the landowner to use the property for the licensee's benefit. (The line between an invitee and a licensee can be murky. Some states hold that social guests are licensees, rather than invitees.)

With licensees, the landowner's duty, generally, is a bit less than that for an invitee. It is simply to avoid intentionally hurting the licensee, and to protect





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the licensee from dangers the landowner is aware of, but the licensee is not. For example, a property owners' association (POA) may be liable to a visitor to the premises who falls over a hidden retaining wall that the POA knew was a hazard. On the other hand, a landowner may not be responsible to a person who attends a party on his property and trips and falls over an extension cord that, unbeknownst to the landowner, had been placed across a set of stairs.

Trespassers

A trespasser is a person who

is on the premises without permission. A landowner or possessor has very little responsibility for keeping a trespasser safe, but may not intentionally injure a trespasser. There are a few exceptions, though, to this general rule. For example, if property has a dangerous artificial condition, and the property is routinely trespassed, then the property owner may be liable if a trespasser is injured. In addition, some states hold landowners responsible for a trespasser's injuries if the landowner knew the trespasser was on the

premises, and failed to warn the trespasser of hidden dangers.

Children

Property owners/possessors must exercise great care in protecting children from being injured on their property, regardless of the child's status as an invitee, licensee or trespasser. This is especially true when dealing with very young children (typically under age 7) because they are considered by the law as unable to protect themselves, even

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Do It Yourself

DIY Recipes for Common Household Items

The term “DIY” can conjure up images of messy craft tables, confusing Pinterest boards, and tools you don’t know how to use. However, do-it-yourself projects don’t have to involve scissors, paper and time-consuming instructions, but rather, can simply be a way to save money and another trip to the store.

Take a look at some of these easy DIY recipes for common household items.

Toothpaste

Making your own toothpaste can save you money, time, and also from that pesky plastic packaging, giving you all the more reason to smile.

INGREDIENTS:

- 2 tablespoons of baking soda
- 2 tablespoons of coconut oil
- 15 drops of the essential oil of your choice.

INSTRUCTIONS:

- Mix all of the ingredients together until you get a smooth texture.

- Add to a sealed container.

Cleaning solution

If you’re looking to protect yourself and your loved ones from exposure to harmful chemicals, making your own

cleaning solution can be just that—a great solution.

INGREDIENTS:

- 2 cups water
- $\frac{3}{4}$ cup hydrogen peroxide
- $\frac{1}{2}$ cup distilled white vinegar





- 1 tsp liquid castile soap
- 20 drops of the essential oil of your choice.

INSTRUCTIONS:

- Mix ingredients together.
- Add to spray bottle.
- Shake before use.

Shampoo

Keeping your hair clean can get expensive, and with all of the chemicals in today's mainstream brands, can also dry out your locks—but did you know you can even make your own shampoo?

INGREDIENTS:

- ½ cup of water
- ½ cup of liquid castile soap
- 1 teaspoon vegetable oil
- Your choice of essential oil.

INSTRUCTIONS:

- Combine the ingredients
- Mix well
- Place in a reusable bottle.

Deodorant

If you find yourself in a sticky situation where you've run out of deodorant and can't make it to the store, it might be time to make your own deodorant (and also avoid having a stockpile of half empty deodorant containers in your bathroom).

INGREDIENTS:

- ½ cup baking soda
- ½ cup arrowroot powder (or cornstarch)
- 5 tbsp coconut oil
- 15 drops of the essential oil of your choice.

INSTRUCTIONS:

- Mix the baking soda and arrowroot powder first
- Add the coconut oil and essential oil.
- Mix well.
- Pour into a sealed container and allow to solidify in a cool area. 📌

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Great! Go say hello and, if you brought something with you, deliver it. If you have nothing to deliver, thank your host for the invitation and ask if there is anyone you should meet or if she needs help with anything.

- Do you see someone you know? Great! Go say hello.
- If neither of those options is available or appealing to you, simply turn to the nearest person and ask a question, e.g., "Hi! I'm Jane. Can you tell me where the [bar/kitchen/bathroom/host] is? Now you have a someplace to go. Step into the party. You have officially arrived.

Finding Someone To Talk To

Whatever your goal for the evening, it requires that you talk with the other partygoers, but approaching a stranger can be intimidating. Try this:

- Once more, pause eight beats to breathe, smile and scan the room.



- Do you see anyone flying solo? Go say hello. He or she will be grateful for your effort and your company.
- Approach a small group. Look for an opening – literally. Is there physical space to insert yourself into the conversation? If so, introduce yourself. You might say, "Excuse me. I didn't mean to eavesdrop, but I heard you mention [the concert series in the park]. I've always wanted to go. How was it?"

If you are not ready to approach others, then make yourself approachable. (Fair warning: This may be the most difficult part of

the entire evening.) Find a central place to sit or stand. Put your phone away. Smile and make eye contact. As you do this, pay attention to your body language:

- If you are seated, sit up straight.
- If you are standing, practice your best Wonder Woman or Superman pose: Stand tall, with your chin up, shoulders back, chest out. When you strike a "power pose" like this you exude confidence (and may even feel more confident). See <https://jamesclear.com/body-language-how-to-be-confident>.
- Don't cross your arms. Put your hands in your

pockets or wrap your hands around a drink (not your phone).

If no one approaches you, find the food. Wander over to the buffet or the bar or the kitchen. You will always find someone to talk to and something to talk about (e.g., “Have you tried the mushrooms?” or “I’m not much of a cook at home. Do you like to cook?”) If you find the host scurrying around the kitchen, ask “What can I do to help?”

(Note: If you came to the party with your spouse or a friend, you might be tempted to cling to that person all night. Don’t make that mistake. You put a lot of effort into getting yourself to the party; that effort is wasted if spend the entire night talking with people you know. Strike your best superhero pose and go meet someone new.) 📌

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from obvious dangers.

One common wrinkle regarding children is the theory of “attractive nuisance.” This says that a landowner/possessor may be held liable for injuries to a child that are caused by a dangerous object or condition on the land that is likely to attract children, who would not appreciate the risk posed by the object or condition. Common examples of an attractive nuisance include swimming pools, tunnels and wells, large machinery, and animals.

II. New Rule – Invitees and Licensees Are Treated the Same, but Not Trespassers

Given the difficulty of determining whether an injured person is a licensee or invitee under the old rule, many states have done away with this distinction. In these jurisdictions, the law simply looks to the

“reasonable care” and “reasonably foreseeable” considerations that were formerly reserved only for invitees. Even in states where the old distinction between invitee and licensee has been rejected, a landowner/possessor generally is not responsible for injuries to trespassers, other than in those situations identified above.

III. Your Best Option

As you can see, the answer to the question, “Someone was injured on my property. Can I be held responsible?” is not clear-cut. Premises liability law is complicated. If someone is injured on property you own or possess, your best option is to consult with an experienced personal injury attorney who can assess your situation and explain your rights and potential responsibility under the law. 📌

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Mindful Meditation

There's a good chance that you've heard the word "mindfulness" being discussed as mindful meditation has swept the nation. Why all the buzz about this? What is it?

With people so busy moving through their day-to-day lives, it's easy to lose focus on what you're doing and make it through the day by simply going through the motions. This is where mindfulness can help. Practicing mindfulness is about being present in the moment.

Practicing mindful meditation doesn't have to be difficult or time-consuming. Take five to ten minutes and try it today.

1. Sit somewhere comfortable and quiet.

Too many noises or distractions will make it difficult to focus.

2. Relax your arms and legs.

This will allow you to focus instead on your breathing.

3. Inhale and exhale deeply,

focusing on your breath and the way your body feels.

4. Keep returning your thoughts to your breath even when your mind wanders.

If you need to take a more comfortable position, do so.

5. Pause before ending your session.

How do you feel? Set some intentions to do this again when you need to recenter your mind. 📌

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