


# Mullen & Mullen Law Firm Releases Blog Offering Free Legal Advice Regarding Gross Negligence

*June 04, 2021*

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Personal Injury Law Firm, Mullen & Mullen has just released a new blog offering free legal advice to the public. The blog article educates drivers about the kind of behavior that constitutes gross negligence and its effect on accident claims.

The article starts with a definition of gross negligence. The article quotes Texas law that defines a grossly negligent act as one which when viewed objectively from the standpoint of the actor at the time of its occurrence involves an extreme degree of risk, considering the probability and magnitude of the potential harm to others. It also defines the same as an act of which the actor has actual, subjective awareness of the risk involved, but nevertheless proceeds with conscious indifference to the rights, safety, or welfare of others. These two sentences perfectly encapsulate the intention behind the law.

To expound further on the nuance between ordinary negligence and gross negligence, the article says that the difference between the two is intent. Ordinary negligence involves carelessness and a lack of awareness. Gross negligence involves a fully conscious awareness of one?s wrongdoing. In gross negligence, the offender is aware that their actions constitute negligence and still willfully continue to engage.

The article then goes on to examine the impact of gross negligence on injury claims. Usually, the plaintiff can be entitled to more compensation in a car accident case if they can show that the at-fault driver acted with gross negligence. The victim may even be able to collect punitive damages which are awarded to punish a willful offender. These punitive damages act as a deterrent to the offending driver to encourage them to change their ways and never act recklessly again.

The article then goes on to give three examples that to a certain degree indicate a case of gross negligence. They are driving a car that is in need of serious repair, drunk driving, and other generally reckless behavior that puts other people at risk.

Driving a vehicle that is clearly and desperately in need of repairs can constitute gross negligence. Driving a car in which crucial components are not functioning up to the mark or are not functioning at all clearly indicates negligence on the part of the driver. In such a case, charging the offending driver with gross negligence is the logical step.

Drunk driving may or may not be classified as gross negligence as it is a legal gray area. Texas defines driving with a blood alcohol content (BAC) of 0.08 or more as drunk driving. If a driver is tested and returns a reading of 0.10 BAC, then there may or may not be a case of gross negligence because it takes only a few drinks to reach that level of BAC. This complicates matters and makes it hard to determine whether someone was legally drunk. On the other hand, if someone is blackout drunk with very high alcohol content in their blood (BAC > 0.20) then it becomes much easier to determine gross negligence.

The article then gives an example of a grossly negligent act to establish the kind of behavior that might get one in hot water with the law. The lawyer tells an anecdote of two friends in Milwaukee, Wisconsin who decided to pull stunts on a moving car. The friend who wasn?t driving climbed out of the car, onto its roof and proceeded to do pushups on it. This was happening while the car was barreling down the road at full speed. The lawyer mentions that though the friends were never caught, such reckless behavior with disregard for the safety of the car?s occupants and others on the road is grossly negligent beyond a shadow of a doubt.

The blog post was written by Shane V. Mullen, an attorney licensed by the State of Texas for the general practice of law, and the Managing Partner at Mullen & Mullen Law Firm in Dallas, TX. His firm focuses exclusively on personal injury law and has been in business for 38 years.

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## Mullen & Mullen Law Firm

*Mullen & Mullen Law Firm has been representing injury and accident victims in Dallas since 1982. Mullen & Mullen has offices throughout Dallas and Fort Worth and offers free case evaluations for anyone in Texas.*

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