

# Electronic Newsletter

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## AAA Reminder: School is Back in Session, Drive Carefully!

Every fall, over 55 million children across the United States head back to school. With 13% of those children typically walking or biking to their classes, AAA warns drivers to be especially vigilant for pedestrians before and after school hours. The afternoon hours are particularly dangerous - over the last decade, more than one-fourth of child pedestrian fatalities occurred between 3pm and 7pm. Please be careful.

If you like our Newsletter, please forward to a friend who could also benefit from it!



## Fundraising Goal Met for Text Kills Documentary



The [Text Kills](#) documentary project we wrote about last month raised over \$15,000 to fund the making of "Smartphones of Mass Destruction." Our own [KidsAgainstDistractedDriving.com](http://KidsAgainstDistractedDriving.com) was a donor and Atty. Scott

Camassar recorded a 30-second public service announcement to be posted on the [TextKills website](#). We're proud to help make this important project happen.



## Troubled Doctors Continue to Practice, Research Shows

An analysis by USA Today shows thousands of doctors continue to practice medicine despite a history of malpractice and misconduct. Among the troubling findings:

\* **Doctors disciplined or banned by hospitals often keep clean licenses.** From 2001 to 2011, nearly 6,000 doctors had their clinical privileges restricted or taken away by hospitals and other medical institutions for misconduct involving patient care. But 52% - more than 3,000 doctors - never were fined or hit with a license restriction, suspension or revocation by a state medical board.

\* **Even the most severe misconduct goes unpunished.** Nearly 250 of the doctors sanctioned by health care institutions were cited as an "immediate threat to health and safety," yet their licenses still were not restricted or taken away. About 900 were cited for substandard care, negligence, incompetence or malpractice - and kept practicing with no licensure action.

\* **Doctors with the worst malpractice records keep treating patients.** Among the nearly 100,000 doctors who made payments to resolve malpractice claims from 2001 to 2011, roughly 800 were responsible for 10% of all the dollars paid and their total payouts averaged about \$5.2 million per doctor. Yet fewer than one in five faced any sort of licensure action by their state medical boards. Read more [here](#).

### Newsletter Archive

New to our mailing list? To read our prior newsletters, click [here](#).

## Recall Central

To read about recent recalls and product safety news from the U.S. Consumer Product Safety Commission, click [here](#).

Get the latest recall information from the National Highway Traffic Safety Administration [here](#).

The Dept. of Agriculture's Food Safety and Inspection Service regulate meat, poultry products and processed eggs. Check their recalls [here](#).

Click [here](#) for Food and Drug Administration recalls, market withdrawals and safety alerts.

For updates on the peanut products recall click [here](#).

## Report: Fewer Teens Get Drivers' Licenses

"Reaching driving age doesn't hold the magical allure it once did for teenagers, with fewer than half of them applying for a driver's license when they reach legal age, according to a report from the AAA Foundation for Traffic Safety. Only 44% get a license within a year, and just over half of teenagers are licensed by the time they reach 18, an age at which two-thirds of teenagers were licensed 20 years ago. The decline is attributed to a variety of factors. Some teens don't bother because they have no access to a car; being licensed no longer

## Texas Jury Awards Damages for

## False Cancer Diagnosis

How much money is fair for a misdiagnosis of cancer when the patient is cancer-free? A jury in Texas had to decide that in the case of a 54 year old woman who "went through the highly traumatic process of chemotherapy only to discover that she never had cancer to begin with." The woman "went through seven months of chemo after being diagnoses with Stage IV terminal breast cancer. That diagnosis followed the removal of a benign tumor from her left breast. She says that the treatment was not just physically painful but mentally destructive as she lost her eyelashes, eyebrows, and went into a deep depression." The jury awarded her \$367,500 in damages for her physical pain and mental anguish. More [here](#).

## Thoughts on Originalism

Many Constitutional questions turn on the language and meaning of the document. Prof. Randy Barnett has some [insightful comments](#) about ascertaining the original meaning of the Constitution:

"If it was genuinely not possible to identify the meaning of language at a previous point in time, then old contracts could not be enforced according to their meaning at the time of their formation (which is what the law of contracts requires), old statutes would be a mystery and impossible to follow or enforce, and classic Supreme Court opinions would be impossible to understand. The only language that is claimed to be inscrutable mystery to lawyers (but not historians) is the foundational law provided by the U.S. Constitution.

How are we lawyers able to follow the 200+ year-old-opinions in *Marbury*, *Gibbons* and *McCulloch*, but not the Constitution itself, written a mere 30-40 years earlier? Has anyone seriously suggested that lawyers need to consult historians to tell them the communicative content of these precedents?

The reason for claiming that the Constitution alone among legal texts is inaccessible to lawyers is not that its original communicative content is unclear, but that *some* of its original meaning is all too clear and some people don't like it, so it must be gotten rid of somehow."

## States Increase Efforts Against



## Distracted Driving

With 50% of the U.S. adult population now owning smartphones and the wireless industry reporting a subscription penetration rate of 102.2%, the Governors Highway Safety Association (GHSA) released its second look at how states are dealing with the problem of distracted driving. The report reveals that since 2010 more states are enacting and enforcing laws, leveraging new media to educate the motoring public, focusing on key constituency groups, and collecting data related to the problem. While all states report engaging in activities to address distracted driving, 39 states and DC identify it as a priority issue, a 43% increase from 28 states in 2010. The study also found that while no state fully bans all cell phone use while driving, 47 states and DC now have specific laws prohibiting various forms of distracted driving that impact most drivers. Of those states, 41 ban texting by all drivers, compared with only 28 states in 2010 (a 45% increase). More [here](#).

## About Our Firm



At [The Law Firm of Stephen M. Reck](#), justice is our mission. Our firm is well known and well respected for its ability to handle personal injury, wrongful death, and professional malpractice cases in Connecticut

and Rhode Island. Call today or visit us on the web at [www.stephenreck.com](http://www.stephenreck.com).

## The Law Firm of Stephen M. Reck, LLC

Proud to support the [North Stonington Education Foundation](#), [Little League Baseball](#), [Children International](#), [Heifer International](#), the [Avalonia Land Conservancy](#), and the [Conn. Chapter of the Special Olympics](#).

\* Advertising Material \*

holds the social status it once did for many young people; there are other ways to get where they want to go; and the cost of gas and auto insurance are too high." Read [more](#).

## Want More Distracted Driving News?



Check out the [Distracted Driving News from Safe Roads Alliance and the Distraction Advocate Network](#).

## Don't Drive Distracted! It Kills



[KidsAgainstDistractedDriving.com](http://KidsAgainstDistractedDriving.com)



## Area 51 Exists



## And the Truth is Ugly

The infamous Area 51 apparently does exist (whether there are aliens is still an open question) and some workers have suffered illness and death due to the government's secrecy. Read [more](#).

## Proudly Serving Connecticut and Rhode Island

The trial attorneys at The Law Firm of Stephen M. Reck, LLC represent individuals in all types of personal injury cases throughout the state of Connecticut and the state of Rhode Island, including, in Connecticut: New London County, New Haven County, Middlesex County, Hartford County, Tolland County, and Windham County; and in Rhode Island: Bristol County, Kent County, Newport County, Providence County, and Washington County.

**Referrals Welcome**

**Remember we are here if you need a referral to an attorney in a different area of law.**

