

## Electronic Newsletter

July 2009

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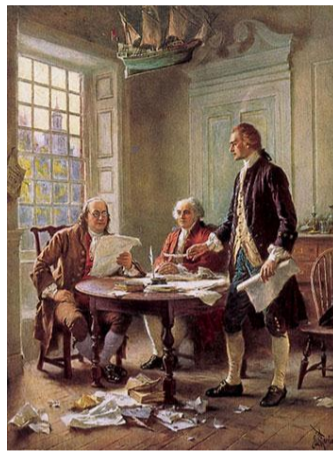
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### Greetings!

We wish you and your family a Happy 4th of July and a summer of fun.



The Law Firm of Stephen M. Reck, LLC



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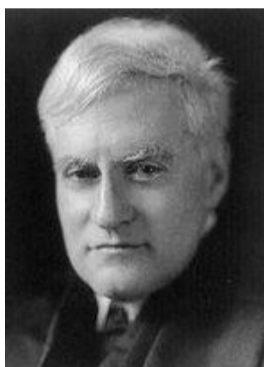
The Law Firm of Stephen M.  
Reck Files Suit for Teen Victim of



## Sexual Assault

[The Law Firm of Stephen M. Reck](#) has filed suit on behalf of a Fitch Senior High School student who was sexually assaulted by another teen at an underage drinking party in Groton on June 16, 2007. The girl is identified as "Jane Doe" to protect her privacy. The suit alleges that the girl and her friend obtained and consumed alcoholic beverages from the friend's home in Mystic, and then went to the party at a second house in Groton where they drank more and where the assault took place. The suit, filed against the owners of the homes where the drinking took place, alleges claims for negligent supervision and negligent provision of alcohol, including that the homeowners failed to properly supervise their minor children and their guests at their homes; failed to take steps to prevent drinking of alcohol by minors on their premises; violated Conn. Gen. Stat. § 30-89a by knowingly permitting minors to possess alcohol on their premises, and/or failing to make reasonable efforts to halt possession of alcohol by minors on their premises; and failed to prevent sexual assault of minors on the property. In addition to sexual assault and battery, the victim alleges injuries including mental and emotional anguish and distress, post-traumatic stress disorder, depression, anxiety, embarrassment, social ostracism and humiliation.

## Supreme Court Already Had a Hispanic Justice



Judge Sonia Sotomayor would not be the first Hispanic Supreme Court justice. We've already had one: Benjamin Nathan Cardozo, U. S. Supreme Court Justice from 1932 - 1938, a Sephardic Jew of Spanish ancestry.

His father, Judge Albert Cardozo, was Vice President and Trustee of the famous Spanish-Portuguese synagogue in New York City, Congregation Shearith Israel, the oldest congregation in the western hemisphere. It was founded in Recife, Brazil circa 1630 and moved to New Amsterdam (now New York City) in 1654 when Portugal took Brazil from the Dutch and brought the Inquisition there.

## AAJ's Response to Obama's Address to AMA

The following is a statement from American Association for Justice President Les Weisbrod regarding President Obama's address to the American Medical Association last month:

"It's clear America's health care system is in crisis. Over 40 million people are without health insurance and costs are skyrocketing. President Obama is right that health care reform is needed now and patient safety should be the top priority.

"Empirically-based practice guidelines, developed by independent experts, is an idea we can support, as long as it does not lower quality or standards of care. Instead, these guidelines should lead to greater patient safety.

"According to the Institute of Medicine, 98,000 people die every year because of medical errors. Eliminating these errors, not further hurting the victims of negligence, is where lawmakers should focus their attention. By taking away the rights of people to hold wrongdoers accountable, the quality of health care will suffer tremendously.

"However, the notion that 'defensive medicine' is leading to higher health care costs is not supported by empirical data or academic literature. Recent news reports, CBO and GAO analyses, and statements from administration officials have shown that physicians will over-test and over-treat purely for financial reasons, unrelated to liability concerns.

"Limiting the legal rights of injured patients will do nothing to lower health care costs or aid the uninsured. We will work over the coming weeks and months to educate members of Congress and the administration on how to best protect victims of medical negligence."

AAJ has developed a primer on medical negligence and the role of the civil justice system in the current

### Attorney Spotlight



Attorney Scott D. Camassar was quoted in a [Norwich Bulletin article](#) about two of his nursing home wrongful death cases.

### Newsletter Archive

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

## Medical Bills, Illness Cause Most Personal Bankruptcies

"Medical bills or illness contributed to more than 62% of personal bankruptcies in 2007, a new study says, showing a nearly 50% increase from 2001 and not even reflecting the growing number of people who are losing their jobs and insurance in the recession." Read [more](#).

## Caps Don't Save You Money

In his column in the [Dallas Morning News](#), Jim Landers writes, "Capping malpractice damages is a health care reform idea that has swirled around Washington for years. But would it make health care less expensive? The evidence doesn't show it." He says that according to a study by a team at the University of Alabama, "Tort reforms have not led to health care cost savings for consumers."

## Suggestion for Malpractice Reform

### Combine Early Offers with Explanations & Apologies

An essay in the [Northwestern Univ. Law Review](#) looks at the combination of early settlement offers in medical malpractice cases with explanations of the incident and/or apologies by doctors, and suggests that such an approach would benefit both doctors and patient victims, as well as society as a whole.

## RI Hospitals Adopt New Surgical Protocol



health care debate. The primer can be located [here](#), with additional information at [www.justice.org/medicalnegligence](http://www.justice.org/medicalnegligence).

## AAJ Analysis Rejects "Fleeing Doctors" Myth

The American Association for Justice (AAJ) reports in its April 2009 issue of *Trial* magazine that its analysis of American Medical Association (AMA) data rejects the myth that doctors flock to states with "tort reform" measures in place. "The AMA statistics show that the number of doctors continues to rise nationwide and in every state. There are now twice as many doctors per capita than when the AMA began tracking physician numbers in the 1960s."

The AAJ reports that the "number of doctors has risen over the last five years in all states. Only in Alaska, Georgia, Montana, and Utah--all with medical malpractice damages caps--did the increase in doctors lag behind population growth." This nationwide growth includes medical specialties; the numbers of neurosurgeons, ob-gyns, and emergency room doctors all increased over the last five years. "The analysis also found that the number of physicians per capita was 13% higher in states without caps" on damages. This finding is consistent with research from the Commonwealth Fund and the American College of Emergency Physicians, which found "health care quality and patient safety are far worse in states that have eliminated accountability by enacting tort 'reform' measures."

## Retained Objects Rare But Serious

The Hartford Courant reported that a study published last year in the *Annals of Surgery*, which looked at 153,263 surgeries, "estimated that sponges, needles or surgical instruments are left in a patient's body one time in 7,000 surgeries, a rate of 0.014 percent. The study found that discrepancies in the final count of items - one cause of leaving objects in patients - increased with longer surgeries, late procedures and changes in personnel during the operation. Another study, published in 2003 in the *New England Journal of Medicine*, found that the risk of retained objects increased significantly in emergencies, surgeries during which unplanned changes occurred and in patients with higher body mass indexes." DPH records show that in Connecticut, hospitals reported 65 cases of leaving "retained objects" in patients during the four-year period from mid-2004 to mid-2008.

## Many High School Athletes Return to Game Too Soon After Concussions



"When high school athletes suffer concussions, as many as 40.5% return to action prematurely and set themselves up for more severe injuries," according to new research from the Center for Injury Research and Policy at Nationwide Children's Hospital in Columbus, Ohio. The study "adds fuel to growing concerns about the long-term side effects of concussions. It also shines new light on inadequately trained personnel on the sidelines unprepared to make accurate diagnoses and informed decisions about sending players back on the field." Almost one in 10 sports injuries are concussions, according to the CDC, "and for young people ages 15-24, sports are second only to motor vehicle accidents as the leading cause of brain injury." Most concussions occur in football and soccer. Read [more](#).

## Coming to a Theater Near You: "Faces of Lawsuit Abuse"

The [New York Times](#) reported that movie theatres have begun showing "commercials that are intended to spell out the perils of frivolous lawsuits as

## to Reduce Errors

The [AP](#) reported that "All 14 hospitals in Rhode Island have agreed to adopt a uniform set of precautions to prevent surgeons from operating on the wrong body part or committing other grievous errors." Under the new protocol, hospitals will have "two licensed providers mark the place on the patient where the operation is to occur and" surgeons will be required "to mark the spot with their initials and use a checklist before surgeries." These procedures are aimed at helping physicians "who work at multiple hospitals reduce the potential for operating on the wrong part of the patient or other mistakes."

## Can Small Cars Overcome Crash Fears?

The [Wall Street Journal](#) notes that the federal government's "push to decrease the nation's output of greenhouse gases by increasing the fuel efficiency of the cars Americans drive is rekindling an emotional debate: Does driving a small, fuel-efficient car make you more likely to die on the road?"

[The Washington Times](#) says so, editorializing that "President Obama's push to force Americans into smaller cars ignores one big problem -- small cars are less safe than big cars." The Times notes the latest numbers from the Insurance Institute for Highway Safety show that small cars have a 55% higher death rate than midsize cars, and argues that "whatever the benefits -- if any -- of fighting global warming, they must be weighed against the costs of proposed policies" and "in addition to the loss of life, there is a significant price penalty to the consumer."

## Study: Effects of TBI on Kids Last For Years

The CDC says Traumatic Brain Injury (TBI) is the most common cause of death and disability in children and adolescents. "Now, according to a new study by UCLA researchers, the effects of a blow to the head, whether it's mild or a concussion, can linger for years." Read [more](#).



told by 'everyday Americans,' including small-business owners who have been hit with costly lawsuits they believed were arbitrary and abusive," courtesy of the U.S. Chamber of Commerce. The Chamber hopes that its "Faces of Lawsuit Abuse" ad campaign "can revitalize interest in restricting litigation."

## What is Cell Phone Elbow?

### Answer: Cubital Tunnel Syndrome

"Cubital tunnel syndrome is the second most common nerve compression syndrome in the upper extremities after carpal tunnel syndrome, say Dr. Peter J. Evans, Director of the Hand and Upper Extremity Center at the Cleveland Clinic in Ohio, and colleagues in a question and answer article on the subject in a recent issue of the Cleveland Clinic Journal of Medicine." Symptoms include "tingling, aching, burning or numbness in the ulnar forearm and hand. The ulnar forearm is the lower half of your arm, between the elbow and wrist, that faces away from you when you bend your arm to touch your shoulder....It happens when the part of the ulnar nerve that goes from the upper to the lower arm around the elbow becomes compressed when you keep your elbow bent for long periods, for example when you hold a cell phone to your ear or, type for long periods at a workstation, or sleep with your arm bent." Read [more](#).

## Bausch & Lomb Settles Hundreds of Eye Fungus Lawsuits

Contact lens maker Bausch & Lomb Inc. "has quietly settled nearly 600 fungal-infection lawsuits" over the last year, "with dozens more individual claims yet to be resolved. The cost so far: Upward of \$250 million. More than 700 lens wearers in the United States and Asia say they were exposed to a potentially blinding infection known as Fusarium keratitis while using ReNu with MoistureLoc, a new-formula multipurpose solution for cleaning, storing and moistening soft contact lenses. Some have suffered irreparable damage. "Seven people in Florida, Maryland, New York, Oregon, Tennessee and West Virginia had to have an eye removed. At least 60 more Americans needed vision-saving corneal transplants." Read [more](#).

## Industry Opposes Suits Against Medical Device Makers

The Advanced Medical Technology Association (AdvaMed) says "legislation easing lawsuits for patients injured by advanced medical devices would significantly curtail innovation." According to AdvaMed president and CEO Stephen Ubl, "patients could lose access to the most promising medical technology." The legislation comes in response to a February 2008 Supreme Court decision (*Riegel v. Medtronic*) that said FDA approval of devices that require the filing of a 'PMA,' or premarket approval application, preempts "certain state lawsuits for injuries." The decision was "condemned" by some in congress who argued that it "strips consumers of the rights they've had for decades." Rep. Henry Waxman (D-CA) said "consumers should be able to seek compensation for injuries, medical expenses, or lost wages resulting from injuries caused by defective PMA devices or inadequate safety warnings." But Ubl contends that the legislation "would create a patchwork of 50 different and potentially conflicting state laws related to PMA devices."

## Group Says Recalls Don't Protect Kids

The [Chicago Tribune](#) reports that "Government-issued recalls of children's products aren't effective enough in getting dangerous items out of their hands, according to a new report" issued by Kids In Danger, a Chicago-based non-profit children's product-safety advocacy group that reviewed the effectiveness of the CPSC's "oversight of companies that have been ordered to take their products off the market." Nancy Cowles, executive director of Kids In Danger, said, "What we've found is if a product is recalled, it remains in a consumer's home regardless of the publicity around a recall." But "Joe Martyak, a spokesman for the CPSC, said the agency's recall process is effective" and "that the reports are not a

## Some Kids Addicted to Video Games

Nearly one in 10 children and teens who play video games show behavioral signs that may indicate addiction, according to a new study published in the May issue of the journal *Psychological Science*. The study, based on a 2007 Harris poll of 1,179 U.S. youngsters, is the first nationally representative poll on the subject. It found "8.5% of those who played had at least six of 11 addictive symptoms, including skipping chores and homework for video games, poor test or homework performance and playing games to escape problems." Read [more](#).



## 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](#).**

## FDA to Require Stronger Warnings for OTCs

The FDA has "finalized rules requiring stronger labeling on over-the-counter [OTC] painkillers warning consumers about the risks of stomach bleeding or liver injury." The agency stated that "manufacturers must ensure that the active ingredients of these drugs are prominently displayed on the drug labels on both the packages and bottles." Read [more](#).

## Food Companies Shift Safety



complete measure of how well a recall has worked because in many cases a consumer may toss an item rather than make a claim with a company."

[The South Florida Sun-Sentinel](#) reports that Nancy Cowles "also urged the commission to quickly develop a database so consumers can directly report product failures and injuries, making the information immediately public."

## Report: Climate Change is Century's Biggest Threat to Human Health

According to a 94-page report published in the May 16th issue of *The Lancet* by a team of experts in health, anthropology, geography, engineering, economics, law and philosophy, climate change "is this century's biggest threat to human health." The report examines key issues including "changing patterns of disease, population migration, extreme climatic events, water and food insecurity, vulnerable shelter and human settlements." One author stated: "Climate change is a health issue affecting billions of people, not just an environmental issue about polar bears and deforestation." Read [more](#).

## Woman Sues Wal-Mart Over Nutria Scare



A Louisiana woman sued Wal-Mart alleging "that employees at a Wal-Mart in Abbeville let a rat-tailed rodent known as a nutria run loose and scare

her" and "that not only did employees know it was in their store, but gave it a pet name, Norman, and failed to warn shoppers." She claims "she was as pushing a full shopping cart down an aisle in October when the nutria ran out from behind a rack" and as a result, "she pulled the cart backward in a panicked attempt to protect herself and hurt her back and foot."

## 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 us 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](#), and the [Conn. Chapter of the Special Olympics](#).

\* Advertising Material \*

## Burden to Consumers

The [New York Times](#) reported that "Increasingly, the corporations that supply Americans with processed foods are unable to guarantee the safety of their ingredients." In one case, ConAgra "could not pinpoint which of the more than 25 ingredients in its pies was carrying salmonella. Other companies do not even know who is supplying their ingredients, let alone if those suppliers are screening the items for microbes and other potential dangers, interviews and documents show." Some of the biggest companies, including ConAgra, Nestlé and others, "concede that they cannot ensure the safety of items -- from frozen vegetables to pizzas -- and that they are shifting the burden to the consumer."



### 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

