

# Electronic Newsletter

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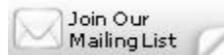
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## The Law Firm of Stephen M. Reck Reminds You To Drive Safely



### School's Back in Session, Watch for Kids

Remember to be extra careful as kids take to the streets. Kids aren't always paying attention and rely on drivers to watch for them, especially where there are no sidewalks. Slow down and obey all traffic laws, including speed limits. And remind kids to be extra careful too. This includes crossing at crosswalks and following traffic signs, lights and crossing-guard instructions.

### Newsletter Archive

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

## Texting is Biggest Driving Distraction



A study released in late July showed that texting while driving is an incredibly dangerous driving distraction. The 18-month study, which was conducted with long-haul truckers (though the high risk

applies to all drivers), found that drivers "are 23-times more likely to crash" while texting. The [New York Times](#) noted that among the findings were "that drivers took their eyes off the road for around five seconds when texting."

The [AP](#) compared the 23 times greater risk of collision while texting to a six-fold increase while "dialing a cell phone or reaching for an electronic device." Researchers "recommended that texting should be

### Attorneys: Mediator or Arbitrator Needed?

Contact Scott D. Camassar for rate information and scheduling.

## 911 System Not Built for Cellphones

"For the millions of Americans giving up their land lines in favor of cellphones, dialing 911 may

banned for all drivers, and all cell phone use should be prohibited for newly licensed teen drivers." Only 14 states ban texting while driving.

## Study: Anti-Depressant Use Has Doubled



[USA Today](#) reported that, according to a [study](#) "of nearly 50,000 children and adults," published in the August issue of the *Archives of General Psychiatry*, "about 10 percent of Americans -- or 27 million people -- were taking antidepressants in 2005, the last year for which data were available at the time the study was written. That's about twice the number in 1996." Notably, "the majority weren't being treated for depression. Half of those taking antidepressants used them for back pain, nerve pain, fatigue, sleep difficulties, or other problems," the study found.

## Hartford Juror's Research Leads to Mistrial

The AP reported that a juror's use of the internet has led a Hartford judge to declare a mistrial in the case of a former school bus driver being sued for an accident that killed a pedestrian in 2006. Apparently the juror found evidence on the Web against defendant Robert Fountain that had been excluded from the wrongful death civil trial (evidence relating to the driver's previous felony conviction and that cocaine was found in his system around the time of the accident). A new trial has been ordered, with jury selection beginning Dec. 1. He was convicted of negligent homicide and served five days in jail.

## New Mexico Court Allows Injured Baseball Fan to Sue



The [AP](#) reported, "The parents of a young boy struck in the head when a batter hit a ball into a picnic area before an Albuquerque Isotopes game can sue the minor league team and the city, an appellate court has ruled. The New Mexico Court of Appeals declined to adopt the so-called 'baseball rule,' which immunizes stadium owners from liability as long as they have screens protecting the stands behind home plate. The court said there is 'no public policy reason to justify bestowing immunity on the business of baseball.'" The team and the city said they would appeal to the state's Supreme Court.

## HHS: 36% Denied Coverage for Pre-Existing Conditions

[CongressDaily](#) reported that an HHS report released last month "found that insurance companies denied coverage to 12.6 million people who attempted to purchase insurance through the individual market on the basis of a pre-existing condition, or 36 percent of the total." The department "also noted a recent congressional investigation into three large insurance companies found 20,000 rescissions over five years based on cancer diagnoses or the like that amount to expensive treatments. The savings to the insurance companies totaled \$300 million."



Fort Trumbull, New London

## Calls for Mandatory Disclosure of

no longer mean a quick response. It can lead to misrouted calls, delayed information about the location of the caller and, most important, a slower emergency response." Read [more](#).

## 911 Abuse Wastes Billions

CNN/Money reports that chronic abuse of the 911 system is overwhelming healthcare resources and "wasting what could add up to billions of dollars every year, paid ultimately through higher taxes and medical fees." Read [more](#).

## Making Room for Bicycles

As bicycle ridership increases, more states are giving bicyclists up to three feet in which to ride "so they won't get swiped by cars." Read [more](#).

## Malpractice "Reform" Won't Fix Healthcare

In an op-ed in the [Des Moines Register](#), Iowa Association for Justice President Tim Semelroth wrote, "Medical industry lobbyists are touting medical negligence 'reform' as an all-purpose remedy for America's broken health-care system. The facts do not support the claim that limiting the rights of injured patients will make health care more affordable or accessible; therefore medical negligence 'reform' is nothing more than a bogus cure. ... There is no evidence that limiting the rights of injured patients will have a meaningful impact on the rising cost of health care, or the plight of the uninsured."

## Suit: Doctor Tried to Conceal Wrongful Death

The [AP](#) reported, "A family of a 16-year-old Ohio girl who died after brain surgery has filed a lawsuit alleging a neurosurgeon and a clinic altered evidence to avoid a wrongful death claim." The family of Jessica Siegel has accused Dr. Andrew Ringer and the Mayfield Clinic & Spine Institute "of botching the surgery and trying to cover it up by excluding the head from an autopsy."

## Disabled Left Out of Disaster Plans

"Four years after Hurricane Katrina exposed major deficiencies in the capacity of governments to evacuate and care for the disabled during a natural disaster, America's most vulnerable citizens are barely considered in most emergency plans," according

## Medical Errors

[The Albany \(NY\) Times Union](#) editorialized, "It was a decade ago that a federal government report, titled 'To Err Is Human,' said the number of deaths caused by medical errors was unacceptably high." Now, "there are indications that this epidemic of haphazard care has gotten worse -- to the point where 'Dead by Mistake,' an investigation by the Hearst newspapers and television stations, concludes that the casualty toll left by preventable medical injuries is approaching 200,000 a year." The federal government and many states have "resisted mandatory reporting of medical errors" but The Times Union asks, "Let's hear why such a disclosure law is a bad idea."

In a column in the [Houston Chronicle](#), Loren Steffy wrote, "As the health care debate rages, preventable deaths from errors are one problem that can be fixed regardless of how the system is reformed or how it's funded." Right now, "hospitals can make fatal mistakes, yet they don't have to let the public know about them." In Texas, "tort reform has essentially denied recourse to many whose loved ones have died or been harmed because of medical errors." For far too long, "doctors have buried their mistakes, both literally and bureaucratically. It's time they publish them as well."

## Kentucky Surgeon's Errors Raise Oversight Questions

The Lexington (KY) Herald-Leader reported on John Christian Gunn, a surgeon at Maysville's Meadowview Regional Medical Center, whose errors have raised "questions about how the Kentucky Board of Medical Licensure monitors and credentials doctors." The family of Herberta Lang, who died during one of Gunn's surgeries, is suing "Meadowview, its former chief executive and the company that operates the hospital for corporate negligence." The Lang's attorneys allege "that Meadowview rushed through Gunn's licensing in 2005 so that it could attract more patients and perform profitable surgical procedures." Read [more](#).

## Consumers Should Demand Accounting of Medical Errors

The [Houston Chronicle](#) editorialized last month that a special investigative series by Hearst newspapers demonstrated that "preventable medical injuries kill an estimated 200,000 Americans" annually. The Chronicle suggests that in order to prevent these deaths "on a national level, we need to know exactly what they are and where they occur. Death certificates often fail to mention medical error as a contributing cause of a patient's death." The Chronicle urged consumers to "demand that the \$19 billion earmarked for electronic medical records buy us better public accounting of accidents." At the same time, it suggests consumers who have a choice among hospitals for their next surgical procedure should ask: "What's the hospital's rate of errors and infections?" The Chronicle suggests that consumers "report medical errors that affect your family to the state health department and to the Joint Commission, the national accreditation agency for hospitals."

## Hotel Sued for Rape Drops Defense Claims

[NBC Connecticut](#) reported that lawyers for the Stamford Marriott Hotel & Spa disapproved of a "controversial legal defense claiming a woman's negligence led to her rape in the hotel's garage in 2006. Hotel lawyers said they requested that the claim in the case regarding the 2006 assault be withdrawn weeks ago."

The defense claims of the victim's own negligence were asserted in response to the woman's lawsuit against the hotel. A statement from one of the hotel's lawyers said that "From its inception, the legal case involving this tragic incident has been handled by the insurance company and its lawyers under the terms of the hotel's insurance policy, as is customary where an insurance company bears the risk of loss," and that "when we recently learned of this defense, we requested that it be withdrawn."

The suit against Marriott stems from a 2006 sexual assault in the hotel's parking garage, which occurred in front of the victim's two children, then 3 and 5. The rapist is serving a 20 year sentence.

to a report by the National Council on Disability. Read [more](#).

## Jeff Gordon: NASCAR Should Focus on Back Injuries



NASCAR driver Jeff Gordon says that "while NASCAR and [its] teams have done a good job working on safety equipment to help prevent head, neck and upper-body injuries, a new focus on injuries to drivers' midsections might be needed." Gordon re-injured his back in a hard crash at Watkins Glen last month. Article [here](#).

## Surgical Mistake Results in Death

A medical malpractice lawsuit was filed against University of Maryland Medical Center by the family of a man who died when a hospital staffer "accidentally removed a clamp after lung transplant surgery, draining all of his blood." 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](#).**

## Crocs Settles Design Defect Suits

## FDA Now Allows Labeling of Gluten-Free Beer

The Federal Alcohol Administration Act of 1935 defines beer as a beverage brewed from malted barley and other grains, which contain gluten. When small craft brewers and then Anheuser-Busch began making beer from malted sorghum, an African grain, or rice, these new gluten-free beverages didn't qualify as beer under the regulations. Now, "to the benefit of the one in 133 Americans who can't eat anything containing gluten, these beverages can now officially be labeled gluten-free once they've been tested and confirmed by FDA." Read [more](#).



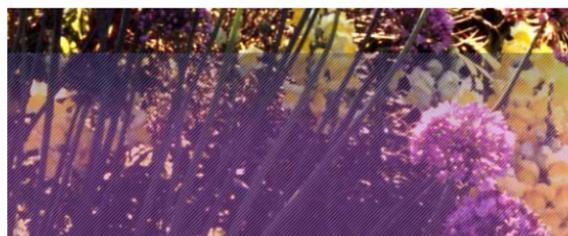
## Study: Mercury Contamination in Fish Widespread

A new federal study of mercury contamination "found the toxic substance in every fish tested at nearly 300 streams across the country, a finding that underscores how widespread mercury pollution has become. ... Mercury can damage the nervous system and cause learning disabilities in developing fetuses and young children." Read [more](#).

## Immunity for Swine Flu Vaccine Makers

"The last time the government embarked on a major vaccine campaign against a new swine flu, thousands filed claims contending they suffered side effects from the shots. This time, the government has already taken steps to head that off. Vaccine makers and federal officials will be immune from lawsuits that result from any new swine flu vaccine, under a document signed by Secretary of Health and Human Services Kathleen Sebelius, health officials announced last month. Read [more](#).

## 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 \***



Footwear maker Crocs, Inc. has recently settled a number of design defect lawsuits "rather than contest allegations that its popular foam rubber clogs are unsafe for children to wear on moving escalators. Read [more](#).

## Little Tikes Recall

The [AP](#) reported that "The Little Tikes Co. is recalling about 1.6 million toy workshops and trucks, after an 11-month-old boy got a plastic nail lodged in his throat. . . . The recall includes a variety of toys manufactured by Little Tikes of Hudson, Ohio, in both the United States and China."

## U.S. Life Expectancy at New High

U.S. life expectancy now stands at nearly 78 years, a new high.

"The increase is due mainly to falling death rates in almost all the leading causes of death." But the U.S. still falls behind about 30 other countries in estimated life span. Japan has the longest life expectancy of 83 years for children born in 2007. More [here](#).



### 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**

