

Electronic Newsletter

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Greetings!

We want to take a moment to wish you and your family the very best this holiday season. We are grateful for all our clients, referring attorneys and friends of the office and look forward to another successful year. Have a wonderful and safe December and best wishes for the New Year.

Sincerely,

Stephen Reck, Scott Camassar, Michael McDonnell, and the staff at
The Law Firm of Stephen M. Reck, LLC



Another Example of Why Arbitrary Caps on Damages are Unfair

The [AP](#) reported that a Pennsylvania jury voted in favor \$14 million for a woman who lost her leg after being hit by a school bus, but that amount "is likely to be reduced under state law." The 22-year-old woman "spent a month in a medically induced coma and had her leg amputated after the January 2007 crash in the Philadelphia suburbs." Officials "found that the driver stepped on the accelerator, not the brake, before crashing into a crowd of students during dismissal at Pennsbury High School." The verdict will almost certainly be reduced "to \$500,000, the cap allowed under a 1980 Pennsylvania law that protects municipalities and school districts." This is yet another example of how caps on damages and other "tort reform" measures penalize the most seriously injured



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Data Breaches at Healthcare

and deserving victims.

Professor Warns Against Proposal to Cap Malpractice Damages

In a recent op-ed, economics professor Shirley Svorny wrote that the "US House is set to consider...the Republicans' Jobs Through Growth Act, which contains a section aimed at reforming medical malpractice by imposing caps on economic and non-economic damages similar to those in place in Texas." Svorny called this prospect "disturbing," and said it could lower "compensation to severely-injured individuals," and impact "medical professional liability insurers' financial incentives to reduce practice risk." She argued that this was a bad idea which could "make health care that much riskier for all of us." Read [more](#).

Toy-Related Injuries, Deaths Still High Despite Safety Rules

[USA Today](#) reported, "Toy recalls have been declining since a tough new product-safety law was enacted in 2008, which regulators say shows consumers should be more confident than ever this holiday season." Data show 34 toys were recalled "in the 2011 fiscal year, ended Sept. 30, down from 172 in 2008." But, a new "Consumer Product Safety Commission report...shows toy-related deaths of kids younger than 15 increased last year, and injuries remain alarmingly high, says CPSC Chairman Inez Tenenbaum." There were 17 toy-related child deaths last year, an increase from 12 in 2010. In addition, the number of children treated at ERs for toy-related injuries remained the same as in previous years.

Critics Say FDA Inspects Too Few Food Facilities

The [Houston Chronicle](#) reported, "On average, the FDA inspects less than a quarter of food facilities each year, a 2010 report found. Safety advocates such as Chicago-based STOP Foodborne Illness say the federal government should accredit private auditors who inspect domestic farms and facilities, standardize training and force retailers to pay for the inspections -- often funded by the food producers themselves -- to eliminate potential conflicts of interest." The agency "has 1,100 inspectors to monitor 421,121 domestic and foreign farms and food processors, with the workers also having other duties," FDA spokesman Douglas Karas, stated, adding that these inspectors also tackle drug safety.

Study: Many Malpractice Suits Start with Failure to Advise Patients of Test Results

The [Washington Post](#) reported that a new "study in the *Journal of the American College of Radiology* found that annual medical malpractice payouts for communication breakdowns, including failing to share test results, more than quadrupled nationally between 1991 and 2010, to \$91 million." In order to reach this conclusion, researchers analyzed "medical malpractice claims from 425 hospitals and 52,000 providers." They found that "of the 306 cases in which test results were specifically cited as a factor in a malpractice case, the most common problem -- it occurred almost half the time -- was that the patient didn't receive the test results." Failure to notify clinicians of test results was also another major problem.

Low Cost Buses Have High Fatality Rates



The low-cost bus industry, which has revolutionized transportation for students and other budget-conscious travelers, has racked up an alarmingly high number of fatal accidents and safety violations over the last few years, and regulators are having a hard time enforcing federal safety standards, according to a new government study. The NTSB found that curbside bus companies (those that pick up riders on sidewalks) were involved in fatal accidents at seven times the rate of traditional carriers like Greyhound. Although the low-cost buses recorded proportionally fewer accidents than their share of the market, when those accidents occurred, they were far more likely than those involving traditional carriers to result in serious injury or death. In a statement, the U.S. DOT, which

Companies on the Rise

[Bloomberg News](#) reported, "Data breaches at US health-care providers are increasing as hospitals adopt electronic medical records and mobile technology without spending enough on security to ensure patient privacy," according to a research "released today by the Ponemon Institute LLC," an "information-security research group." The group found that "the frequency of data breaches at health organizations jumped 32 percent in 2011 from a year earlier, costing the industry an estimated \$6.5 billion." Nearly half "of health organizations said that lost or stolen devices were to blame for breaches, according to the institute, which surveyed 72 hospitals and health providers."

Four Drugs Linked to Most Emergency Hospitalizations for Older Americans

The [NY Times "Well" blog](#) reported, "Blood thinners and diabetes drugs cause most emergency hospital visits for drug reactions among people over 65 in the United States," according to a [study](#) published in *The New England Journal of Medicine*. Researchers found that "just four medications or medication groups -- used alone or together -- were responsible for two-thirds of emergency hospitalizations among older Americans." The investigators looked at data from 58 "hospitals ... participating in a surveillance project run by the C.D.C. that looks at adverse drug events."

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](#).

NY Times Calls for Legal Ed Reform

The [NY Times](#) editorialized, "American legal education is in crisis. The economic

has oversight of the motor coach industry, said it had nearly doubled its safety inspections on buses in the past five years. It also recently issued rules banning bus drivers from talking on cell phones or sending text messages while driving. Read [more](#).

AAA: Motor Vehicle Fatality Cost Is \$6 Million

A recent report by AAA says the cost of a traffic fatality is \$6 million dollars. In a report comparing the cost to the nation of motor vehicle crashes with that of traffic congestion, AAA analyzed the financial damage of traffic crashes in 99 urban areas. It concluded that the cost of crashes in those cities was more than three times that of congestion: \$299.5 billion compared with \$97.7 billion. The congestion costs include the price of gas wasted idling in traffic and loss of motorists' time. The study, which used 2009 data, found that the average cost of an injury-only crash is \$126,000. The costs of fatal crashes and those causing serious injuries have risen sharply since 2005, the last time AAA did a comparable study. The 2005 cost of a traffic fatality was \$3.24 million, an injury crash \$68,170. AAA's study is designed to push road safety to the forefront of the national debate over transportation priorities as Congress considers a long-term highway funding bill, says Chris Plaushin, AAA's director of federal relations. AAA makes recommendations to reduce the financial impact of crashes. Among them: more investment in proven safety measures such as cable barriers along medians to prevent crossover accidents, modernized roundabouts and rumble strips. Read [more](#).

downturn has left many recent law graduates saddled with crushing student loans and bleak job prospects. The law schools have been targets of lawsuits by students and scrutiny from the United States Senate for alleged false advertising about potential jobs. Yet, at the same time, more and more Americans find that they cannot afford any kind of legal help." The Times said "In reforming themselves, law schools have the chance to help reinvigorate the legal profession and rebuild public confidence in what lawyers can provide."

Don't Drive Distracted!

It Kills



KidsAgainstDistractedDriving.com

Transportation Dept. Launches New Anti-Distracted Driving Ads Aimed at Teens

A new public service announcement by the DOT, called "OMG," will air at movie theaters and on video screens built into some gasoline pumps this month. "Teen drivers are particularly vulnerable to distracted driving which is why we are making an extra effort to ensure they understand the dangers," said Transportation Secretary Ray LaHood. "Thanks to the help of Regal Cinemas and Outcast's PumpTop TV, we're reaching teens directly - whether they're at the movies or filling up their tanks." Read [more](#).



About Our Firm

At [The Law Firm of Stephen M. Reck](http://www.stephenreck.com), 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.

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Referrals Welcome

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

