

Electronic Newsletter

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We'll Miss You, Bill



Our friend and colleague, Bill Hescok, died on Jan. 1st, during a holiday trip to visit family and friends. Bill was a long-time resident of North Stonington, where he practiced law and was chair of the

Democratic Town Committee. He has served as a town selectman and in November was elected to the school board. He was an active supporter of the Wheeler Library and numerous other community endeavors. He leaves a loving family and a large circle of friends and admirers.

Stonington attorney Matt Berger, past president of the New London County Bar Association, told [the Day](#) that Bill "always put his clients first.... He cared most about doing right by them."

"You know when people say 'you should live life to the fullest because you never know when it's your time?' Well, Bill truly lived life. He knew how to enjoy life," said [Stephen M. Reck](#), one of Bill's closest friends. "He had a great spirit." Reck noted that Bill "especially helped senior citizens. If they came in and couldn't afford an attorney, he would find a way to get something done for them."

Said Berger: "He was just a great lawyer and a great guy." Bill Hescok will be greatly missed.

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

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Former Nursing Home CEO Pleads Guilty to Fraud

[The Courant](#) reported that Raymond Termini, former CEO of the bankrupt Haven Healthcare nursing home chain,

Fatal School Bus Crash Revives Seat Belt Debate

The [AP](#) reported that school bus crash last month that killed a 16-year-old student and injured more than a dozen others has prompted one lawmaker to propose legislation that would require new school buses to have seat belts and, possibly, to retrofit their fleets of older buses. The General Assembly will consider the bill after the 2010 session convenes Feb. 3. The legislature's transportation committee "has debated the seat belt issue several times since 1989, most recently in March 2006. But its members have never endorsed the idea for the full General Assembly's vote, unsure about the cost ramifications and the conflicting testimony they heard about whether seat belts on buses could do more harm than good."

Tips to Prevent Driveway Back-Over Accidents



Children are hit by vehicles in driveways far too often. As if that wasn't bad enough, statistics show that in more than 70% of such cases, a parent or close relative is driving the vehicle. The average age of a child involved in a back-over accident is between 12 and 23 months. Blind spots are often larger than you think. According to [Kids and Cars](#), a nonprofit safety organization, today's large SUVs and trucks may have a rear blind-spot up to 50 feet long. Here are 15 tips from [Kids and Cars](#) to protect children from driveway back-over accidents:

Walk around and behind a vehicle prior to moving it.

Know where your children are. Make kids move away from your vehicle to a place where they are in full view before moving the car and know that another adult is properly supervising children before moving your vehicle.

Teach children that "parked" cars might move. Let them know that they can see the vehicle, but the driver might not be able to see them.

Measure the size of the blind-zone area behind the vehicle(s) you drive. A 5-foot, 1-inch driver in a pickup truck can have a rear blind zone that is approximately 8 feet wide and 50 feet long.

Be aware that steep inclines and large SUVs, vans and trucks add to the difficulty of seeing behind a vehicle.

Hold children's hands when leaving the vehicle.

Teach your children to NEVER play in, around or behind a vehicle.

Keep toys and other sports equipment off the driveway.

Homeowners should trim landscaping around the driveway to ensure they can see the sidewalk, street and pedestrians clearly when backing out of their driveway. Pedestrians also need to be able to see a vehicle pulling out of the driveway.

Never leave children alone in or around cars.

Keep vehicles locked at all times, even in the garage or driveway, and always set your parking brake.

Keys and/or remote openers should never be left within reach of children.

Make sure all child passengers have left the car after it is parked.

Be especially careful about keeping children safe in and around cars during busy times, schedule changes and periods of crisis or holidays.

Consider installing safety devices: cross-view mirrors, audible collision detectors, rear-view video camera and or some type of back-up detection device.

New Orleans Hospitals Sued for Lack of Hurricane Preparedness

The New York Times reported that about 200 lawsuits have been filed against New Orleans-area hospitals "alleging that these institutions are liable for the deaths and for the suffering of other patients who survived" during Hurricane Katrina "because corporate failure to plan adequately for flooding and implement evacuation constituted negligence or medical malpractice." But, according to the Joint Commission, even systems that meet electrical codes and standards are "'not always sufficient' in major catastrophes." Read [more](#).

pleaded guilty in U.S. District Court in Bridgeport to conspiracy to commit wire fraud and engaging in unlawful monetary transactions. "Termini used a \$6 million loan that was supposed to reduce debt and up to \$2 million for sprinklers at the nursing homes instead to buy real estate and other purposes, prosecutors said." (Read a copy of the US Attorney's [press release](#)). Termini is a defendant in two of our pending wrongful death suits, and is also being sued in several other matters stemming from his involvement in the Haven homes.

1 in 5 Nursing Homes Rank Poorly

"One in five of the nation's 15,700 nursing homes have consistently received poor ratings for overall quality, a [USA TODAY](#) analysis of new government data finds."



Why Should Website Sponsors be Immune from Cyberharassment?

In [Imposing Tort Liability on Websites for Cyberharassment](#), Prof. Nancy Kim argues that the immunity enjoyed by website sponsors as publishers should not mean that they have no obligation whatsoever for the activity on their websites. Website sponsors, the entities that own the domain name and control the activity on a website, have a proprietary interest in their websites and therefore should be subject to the same standard of conduct as other proprietors.

Missed Vaccines Believed to be a Cause of Disease Outbreaks

Experts believe that growing numbers of unvaccinated children are related to increasing outbreaks of "terrifying childhood diseases that were once virtually eradicated." Read [more](#).

Medical Students Say Schools Slow to Teach Patient Safety

In a commentary in the [New York Times](#), Daniel Blumenthal and Ishani Ganguli, Harvard Medical School students, wrote that the debate surrounding patient safety and quality

An Idea Worth Copying

The [New York Times](#) reported "The recession has swelled the number of people showing up in New York State courts who cannot afford lawyers to 2.1 million annually, often turning eviction, foreclosure, debt collection and other civil cases into lopsided battles that raise questions about the fairness of the legal system. In response, the state court system is beginning an unusual new program this week to try to fill the gap with volunteer retired lawyers, hoping partly to attract Baby Boomer lawyers who may be ready to slow down but are not keen on full-time golf." Officials changed the state's rules ... to add a new category of lawyer, 'attorney emeritus,' that will free lawyers of some burdens of full-time practice, like paying for malpractice insurance, while channeling them to dozens of legal programs around the state that represent low-income people without charge."

How Was the 2nd Amendment Interpreted When the 14th Was Enacted?

An interesting [article](#) by Clayton et al provides a detailed analysis of the public meaning of the "right to keep and bear arms" during the period leading up to enactment of the Fourteenth Amendment. It analyzes 19th century scholarly commentary and case law; popular understandings of the Second Amendment as the militia declined in importance and the fight over abolition of slavery expanded; Civil War era claims about the meaning of the Second Amendment; the right to arms during the period of Reconstruction and the Black Codes; and the debate and enactment of the 14th Amendment, as it relates to the constitutional right to arms. The authors conclude that "the discussion and discord over the right to arms in this context reveals that people all along the political spectrum held a decidedly individual rights understanding. Those who supported the Fourteenth

Amendment frequently articulated that the freedmen, now citizens, enjoyed the same right to keep and bear arms as others. Freedmen themselves claimed and embraced the individual right. Even those who were committed to stripping blacks of their new status considered the individual right to arms an attribute of citizenship."

The description of the right from an 1872 school textbook illustrates the point:

"15. What are the rights which are secured to every individual by the Constitutions and laws of the United States? . . .

K. The right to keep and bear arms.

Every individual throughout the nation has the Constitutional right to keep and bear arms. ... (This right is not allowed by governments that are afraid of the people.)"

Rhode Island Firm Expands Sausage Recall

Daniele International Inc., a firm with operations in Pascoag and Mapleville, R.I., is expanding its January 23 recall to include approximately 17,235 pounds of ready-to-eat (RTE) varieties of Italian sausage products, including salami/salame, that may be contaminated with *Salmonella*. Read [more from the U.S. Department of Agriculture's Food Safety and Inspection Service \(FSIS\)](#).

Toxic Metal in Kids' Jewelry

From the [AP](#): recent lab tests have shown "eye-popping levels" of cadmium in children's jewelry. The metal, which has been linked to cancer and weakened kidneys, "is particularly dangerous for children, because growing bodies readily absorb substances, and cadmium accumulates in the kidneys for decades." Recent research has also determined that children exposed to cadmium "were more likely to report learning disabilities," and that it "lowers IQ even more than lead."

improvement "has been slow to trickle down to medical schools." Blumenthal and Ganguli note that because "medical education is a zero-sum game, with vast amounts of material to cover," schools have not "moved faster" to address patient safety. In addition, "doctors tend to put a much higher value on their own clinical skills than on communication and cross-checking." Now, some groups such as the nonprofit Institute for Healthcare Improvement are "reaching out to students who are eager to tackle these issues."

Study: Banning Drivers' Phone Use Did Not Reduce Crashes

A new study by the The Highway Loss Data Institute shows that traffic collisions did not drop in three states (New York, Connecticut, California) and the District of Columbia after they banned drivers from using handheld cellphones. Read [more](#).



Stuck Accelerators Prompts More Toyota Recalls

Toyota has recalled millions of cars and trucks to try to fix the problem of vehicles suddenly speeding out of control. The latest recalls are in addition to the 4.3 million vehicles recently recalled for a floor mat problem that could cause the accelerator to stick. Read [more](#).

Baby-Bed Maker Sued for Death of Infant

"An Oregon man whose 5-month-old son died last summer has filed a \$5 million lawsuit against the maker of hammock-like baby beds." He contends that the bed, made by Amby Baby USA of Minneapolis, was defective and dangerous and led to the suffocation death of his son in August. "The death of the Oregon infant and a 4-month-old in Georgia led to the Dec. 8 recall of about 24,000 Amby Baby Motion Beds." Article [here](#).

Recall Central

To read about recent recalls and product safety news from the U.S. Consumer

Fountain Drinks May Contain Fecal Matter



The [Los Angeles Times](#) "Booster Shots" blog reported that Hollins University researchers discovered that fountain drinks may contain measurable amounts of fecal matter. In fact, after analyzing "90 beverages from 30 soda fountains in Virginia," investigators discovered that "more than 11%...contained *Escherichia coli* and over 17% contained *Chryseobacterium meningosepticum*." According to the paper in the *International Journal of Food Microbiology*, "other opportunistic pathogenic microorganisms isolated from the beverages included species of *Klebsiella*, *Staphylococcus*, *Stenotrophomonas*, *Candida*, and *Serratia*."

Interestingly, however, "ice and tap water from the machines didn't test positive for any bacteria," according to the [New York Daily News](#). "So far, the source of the bacteria is unknown," but the study authors say the bacteria may be "actually establishing themselves on the lining of the plastic tubing." Although "there were no reported outbreaks of food-borne illness related in the Roanoke area at the time of the study," there is still concern. "Since a less dangerous form of *E. coli* was found in the soda machines, it's possible that the machines could host more virulent strains of *E. coli*," and "if the machines can harbor bacteria, they may also harbor viruses."

Product-Defect Verdicts Rose in '09

[Bloomberg News](#) reports: "The top five product-defect verdicts rose 52 percent in total value last year to \$620 million as juror attitudes on companies soured amid the recession and rising unemployment, according to data compiled by Bloomberg." Plaintiffs' attorney Tobias Millrood, "winner of a \$34 million verdict against Pfizer," said, "It's a reflection of the fact that Main Street is hurting." Notwithstanding "the 2009 results, both plaintiffs and defendant companies are increasingly willing to take product liability cases to trial, said John Beisner, a lawyer who defends corporations in such suits."

Do-It-Yourself Repair Books Recalled

It's not often we hear of a book recall. "Oxmoor House is recalling nearly 1 million home improvement books because of errors that could lead do-it-yourselfers to make risky mistakes while installing or repairing their electrical wiring. The errors in diagrams and wiring instructions could cause people to be shocked or create a fire hazard.... The 951,000 recalled books have nine different titles, including "Lowe's Complete Home Improvement and Repair" and "Sunset You Can Build - Wiring." The books have been widely sold at home improvement and book stores nationwide for years, and in some cases for more than three decades.

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.

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

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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.

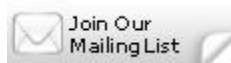
For updates on the peanut products recall click [here](#).



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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.

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