

Electronic Newsletter

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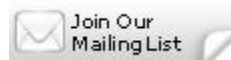
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Study: Lawyers Should Trust Opinions of Experienced Colleagues On Case Values

A recent [Wall Street Journal law blog](#) entry examined a new study in the *Journal of Empirical Legal Studies* about predicting case outcomes. Experienced trial lawyers were shown short descriptions of real civil cases and asked to make a series of predictions of the outcome: first, giving their own opinion, then allowed to revise it after seeing an experienced trial lawyer's prediction, next making a single estimate, and finally, giving a final prediction, free to use or ignore their earlier estimates. The most accurate predictions came from lawyers who gave equal weight to the predictions of others, although 83% placed more weight on their own opinion, and 53% totally disregarded the other

Study: Insurers Create Crises to Increase Profits, Push Tort Reform

The [Raleigh \(NC\) News & Observer](#) reported, "A new study produced by consumer and public-interest groups claims insurance companies create periodic crises to drive up profits. The Americans for Insurance Reform study says these crises, where coverage becomes unaffordable or

lawyer's prediction. The study's co-author, San Francisco trial consultant Jonas Jacobson, said the study shows it pays to trust the opinion of an experienced partner, and the opinions of all participants averaged came within 25% of the actual verdict, demonstrating the "wisdom of the crowd."

Outpatient Deaths Highlight Need for Safety Laws

[USA Today](#) reported that the deaths of several patients who underwent surgery in physicians' offices have led some states to require accreditation, although so far, just 21 of them "require the accreditation or licensing of offices where doctors perform surgery." Accredited or licensed physicians' offices are subject to stricter oversight. The piece noted that, as physician reimbursement continues to decline, more doctors are tempted to conduct riskier procedures. Jim Leventhal, a Denver plaintiff attorney who chairs the American Association for Justice's professional negligence section, said, "There are so many areas of medicine that are considered to be lucrative, that it's attracted physicians to do those procedures who really aren't trained to do them." According to Leventhal, more states must enact legislation to ensure the safety of outpatient procedures.

Study: New Artificial Hips, Knees Not Better than Older Models

The [NY Times](#) reported that "recent technology for artificial hips and knees did not perform any better than older, less expensive designs," according to a new study published in the *Journal of Bone and Joint Surgery*. The study examined "data from Australia's orthopedic registry, covered implants introduced from 2003 to 2007" and found "that not a single new artificial hip or knee introduced over a recent five-year period was any more durable than older ones. In fact, 30 percent of them fared worse." The researchers "concluded that both patients and taxpayer-financed health care programs were paying a high cost because surgeons were using newly designed implants, introduced with little test data."

Study: More Deaths from Poisoning than Car Crashes

The [New York Times](#) reported on an analysis by the National Center for Health Statistics, which found that "in 2008, for the first time in nearly 30 years, more people died of poisoning than in car crashes. Poisoning is now the leading cause of injury death, and 90 percent of poisonings were caused by drugs." Lead author Margaret Warner "said that a multifaceted approach to solving the problem was needed, analogous to the various steps taken to improve traffic safety." She remarked, "The C.D.C. is doing some prevention work. The Food and Drug Administration is looking at different regulations they can impose, and the Office of National Drug Control Policy is not just focusing on interdiction, but using a public health approach as well."



Crash-Proof Cars?

The arrival of crash avoidance technology -- systems that can alert drivers to danger and even take action to prevent accidents from happening -- promises to cut the number of crashes. Volvo is so confident in the power of its technology, it has pledged that beyond the year 2020, no-one will be killed or seriously injured in one of its new cars. In essence, the Swedish manufacturer is aiming to build a vehicle that will fully protect its occupants and crash less. Other carmakers are making similar commitments. One study by the U.S. Insurance Institute for Highway Safety has estimated that four of the currently available features -- lane departure warning, forward collision warning, blind spot detection and adaptive headlights -- could prevent or mitigate one out of every three fatal crashes and one out of

unavailable, are known as 'hard markets,' sending premiums sky-high." In addition, the study's authors "claim the insurance industry uses these supposedly manufactured crises to support their calls for 'tort reform' -- asking legislators for new laws making it more difficult to sue." Not surprisingly, the Insurance Information Institute disputed the study's conclusions.

Man Sues PepsiCo Over Mouse in Soda



An Illinois man is suing PepsiCo, maker of Mountain Dew soda, alleging that he opened a can from a vending machine, tasted something foul, and spat out a dead mouse. The man claims he sent the mouse to Pepsi, which destroyed it. However, Pepsi is now moving to dismiss the case, based on an expert's opinion indicating that acid used in the bottling process would have caused the mouse to transform into a "jelly-like substance." 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](#).

NTSB: End Driver Use of Electronic Devices

every five crashes that result in serious or moderate injury. Critics argue that a motorist who is required to do little to keep his or her vehicle on the road is not likely to be an alert and safe driver. Read [more](#).

Drivers Aren't the Only Ones Distracted by Devices; Doctors Are Too

The NY Times reported: "Hospitals and doctors' offices, hoping to curb medical errors, have invested heavily to put computers, smartphones and other devices into the hands of medical staff for instant access to patient data, drug information and case studies. But like many cures, this solution has come with an unintended side effect: doctors and nurses can be focused on the screen and not the patient, even during moments of critical care. And they are not always doing work; examples include a neurosurgeon making personal calls during an operation, a nurse checking airfares during surgery and a poll showing that half of technicians running bypass machines had admitted texting during a procedure." Read [more](#).

DOT Announces Decrease in Fatalities, New Efforts to Measure Distraction-Related Crashes

Motor vehicle fatalities may be at historic lows, but distracted driving is still a growing problem. The government is undertaking new measures to better track distraction-related crashes. Read [more](#).



Attorney Camassar's son William at the Rev. Martin Luther King Jr. Memorial, Washington, DC

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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The National Transportation Safety Board (NTSB) issued a recommendation that all states ban driver use of all portable electronic devices in a vehicle, including hands-free devices. The NTSB would leave development of actual laws, and enforcement, up to the individual states. Chair Deborah Hersman called on companies to help enforce distracted driving rules and said that NTSB research had found that bans on driver use of electronic devices while the vehicle is moving had improved their safety records. Read [more](#).

Don't Drive Distracted!

It Kills



KidsAgainstDistractedDriving.com

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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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