

Electronic Newsletter

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[The Law Firm of Stephen M. Reck, LLC](#)

P.O. Box 431
391 Norwich Westerly Road
Holly Green, Suite 2C-B
North Stonington, CT 06359
phone (860) 535-4040
fax (860) 535-3434

email attorneyreck@yahoo.com

www.stephenreck.com / www.scottcamassar.com

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Op-ed: Tort Reform Threatens Constitutional Rights



Attorney Christopher K. Yarbro wrote in a [St. Louis Post-Dispatch op-ed](#), "Politicians, pundits and physicians are casting stones against individuals who seek help from the court system for substandard medical treatment. Campaigns for tort reform are re-emerging on the heels of the recent midterm elections and the controversial federal healthcare law." Yarbro refuted arguments that malpractice claims increase physicians' insurance premiums, citing an Americans for Insurance Reform Study tying rate increases to declining interest rates and investments. Notably, an American Association for Justice "analysis in 2008 of financial statements filed by the 10 largest malpractice insurers found that the average profits of these companies are higher than 99 percent of all Fortune 500 companies." Yarbro argued, "this renewed call for tort reform casts in jeopardy the very safeguards of liberty and free government our founding fathers sought" by jeopardizing constitutional rights.

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Fewer Eldrely Prescribed Antipsychotics Since FDA Warning

"Alarm Fatigue" Linked to More than 200 Hospital Deaths

The [Boston Globe](#) reported, "With the use of monitors

[Reuters](#) reported that after the FDA issued a Black Box warning about newer antipsychotics in elderly

rising, their beeps can become so relentless, and false alarms so numerous, that nurses become desensitized -- sometimes leaving patients to die without anyone rushing to their bedside." In some cases, busy nurses "have not heard or ignored alarms warning of failing batteries or other problems not considered life-threatening." Overall, the deaths of more than "200 hospital patients nationwide" between January 2005 and June 2010 have been linked to "problems with alarms on patient monitors that track heart function, breathing, and other vital signs." In a separate story, the [Boston Globe](#) reported that "nurses, doctors, and healthcare leaders are concerned about staff in hospitals across the US becoming desensitized to the noise."

Study: Over 9,500 Infants Hurt Each Year in Crib Accidents

"More than 9,500 babies and toddlers go to the emergency room each year because of injuries related to cribs, playpens and bassinets, according to a 19-year study" released last month. The study, published in *Pediatrics*, showed an average of 113 children die each year from these accidents. "The true number of crib-related injuries and deaths is probably much higher, because the study included only children treated in ERs and not those seen at doctor's offices or urgent-care centers," said the authors. Two out of three injuries were caused by falls. Read [more](#).

IIHS: Crash-Test Data Correlates to Real-World Death Rates



The [Insurance Institute for Highway Safety](#) compared its testing data with fatality records compiled by NHTSA and found that drivers of vehicles it rated "good" for protection in driver's-side crashes were 70% less likely to die than were drivers of vehicles that it rated "poor," the Arlington, Virginia-based group's lowest rating. "This was our first look at how our ratings correlate with actual crash data since we started side tests in 2003, and the numbers confirm that these are meaningful ratings," said David Zuby, the group's chief research officer. The U.S. DOT has recently said it will require all new cars sold in the U.S. to meet a minimum standard of protecting passengers from side-window ejections, which occur in rollover crashes. The standard, which will be phased in and apply to all vehicles starting with the 2018 model year, can be met with stronger glass or with side-curtain air bags. Read [more](#).

Food-Borne Illnesses Still High, Despite New Law

Recent legislation gave the FDA some new authority and inspection powers, "but the new law also contains some concerning loopholes. Small food processors and farmers, who have argued that these regulations would be too taxing to implement, are exempt from most of the law's provisions. And despite the law, high-risk food manufacturers are still only required to undergo inspections once every three years." Also, "Congress neglected to increase the FDA's budget, hindering the agency's ability to hire new inspectors. And a shortage of inspectors likely means inspections will occur less frequently than the three-year minimum, if at all." The CDC estimates that

patients suffering from dementia, physicians began writing few prescriptions for the medications. The agency issued the warning after studies found elderly patients on newer antipsychotics died sooner than those who did not take the medications. According to a [study](#) published in the Archives of General Psychiatry, researchers found that the overall use of new and old antipsychotics in elderly patients with dementia dropped from about 18% in 1999 to 12% in 2007.

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](#).

Insurers' Profits Rise Despite Health Reform

[American Medical News](#) reported, "Profits at the nation's seven largest publicly traded insurers went up in 2010 as plans spent less on care and used income to buy back their stock to boost per-share earnings." For example, "Health Net saw the greatest improvement from 2009 to 2010, from a 47-cent-per-share loss to a \$2.06 per-share profit," while CIGNA "saw the most modest increase, with a 3% improvement from \$4.73 per share in 2009 to \$4.89 per

food-borne illnesses affect 48 million Americans (children and adults) each year, leading to 128,000 hospitalizations and 3,000 deaths. Read [more](#).

share in 2010."

Internet Crimes Cost CT Victims \$3 Million

The AP wrote that Connecticut consumers reported losses of more than \$3 million last year to the Internet Crime Complaint Center, a national agency that tracks Internet scams. Its report said cases of non-delivery and identity theft accounted for nearly 40% of its 2,551 complaints from Connecticut last year. The median loss was just over \$500. Department of Consumer Protection Commissioner William Rubenstein said that anyone who uses a computer is at risk for scams and fraud. He urged anyone who comes across an Internet scam to notify his office as well as the national complaint center. The other top Connecticut-reported Internet crimes included scams impersonating the FBI, hacking, advance fee fraud, and credit card fraud.



Five Years Since Justice Thomas's Last Question from the Bench



Supreme Court Justice Clarence Thomas hit a milestone last month by not asking a single question during the morning's oral arguments. It has been over five years "since Thomas uttered a question to a lawyer arguing a case." Thomas, who was appointed to the Court in 1991 by

the first President Bush, has never been one to ask many questions. "His last public query came Feb. 22, 2006, in a death penalty case from South Carolina testing when certain forensic evidence should be admitted at trial." Read [more](#)

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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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