

## Electronic Newsletter

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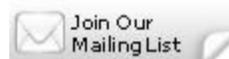
[Don't Drive Distracted!](#)

## Courant Calls for National Strategy Against Preventable Medical Errors

The [Hartford Courant](#) editorialized: "Two recent reports exposed the disgraceful fact that Americans are at risk of dying from preventable medical errors and lapses in treatment when they go to hospitals to get help. It's time that Congress addressed this issue on a national level, instead of letting each state decide to do something -- or not." The paper cited "a report in the New England Journal of Medicine" that "showed that hospitals are not getting safer for patients." Separately, "a study on the Medicare population by the office of the inspector general of Health and Human Services, said that harm -- again, largely due to preventable errors - contributed to prolonging treatment or hospitalizations of 134,000 Medicare patients in one month (about one in seven patients)," the editorial noted.

## Healthcare Tort Reform Claims Are Exaggerated

A [Daily Kos](#) blog argued against healthcare tort reform proposals, noting medical malpractice's less than 1.5% of healthcare costs "hardly makes tort reform worthy of the attention it receives for cutting health care costs. Furthermore, tort reform has already been implemented in more than half of the states in some form," so many states would feel no impact from additional reforms. The blog cited Texas' growing healthcare costs and lead status in the number of uninsured citizens, even after implementing tort reforms in 2003. Also, tort reforms wouldn't necessarily reduce defensive medicine practices, as litigation risks will always exist, and "evidence suggests that the profit motive" from defensive medicine "would continue to drive defensive medicine practices."



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## 20 Million Autos Recalled in 2010

Automakers recalled about 20 million vehicles in 2010, led by high-profile recalls by Toyota that prompted new scrutiny of the auto industry's safety record. The number of recalls last year was the largest since 2004. Safety recalls can cost car companies tens of millions of dollars and have become more common since 2000, when Congress passed legislation to more quickly spot safety defects. Read [more](#).

## Cracking Down on Distracted

## Study: U.S. Road Fatalities Down 22% Pedestrians

### But Distracted Driving Fatalities Increased

Road fatalities in the United States have fallen 22% in the past five years, primarily because of the poor economy and the increased prevalence of airbags, according to a study by University of Michigan researchers. A reduction of such magnitude over such a short time has not occurred since road safety statistics were first kept starting in 1913, except for during World War II. More drivers have slowed down and limited their long-distance leisure travel to save gas and money -- and that trend has ultimately saved lives. At the same time, there has been an increase in vehicles equipped with both side and front airbags. On the other hand, fatal crashes involving distracted driving (using cell phones, talking to passengers, eating, etc.) have increased 42%. Read [more](#).



USA Today reported that "After targeting drivers who paid more attention to their phone calls and text messages than the road, lawmakers in Arkansas and New York are now looking to crack down on pedestrians equally distracted by their own electronic gadgets." Read [more](#).

## Fear of Litigation Makes Some Hospitals Wary of Cameras in Delivery Rooms

The [New York Times](#) reported that some hospitals are reconsidering policies to allow video cameras in delivery rooms "as they seek to balance safety and legal protection against the desire by some new mothers to document all aspects of their lives, including the entire birth process." While data tracking such policies is unavailable, Mike Matray of the Medical Liability Monitor said the matter "had been moving up on hospital agendas."

## 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](#).

## Companies, Consumer Groups at Odds Over New CPSC Database

The [Washington Post](#) reported last month: "The federal government is poised for the first time to make public thousands of complaints it receives each year about safety problems with various products, from power tools to piggy banks." The Consumer Product Safety Commission's "compilation of consumer complaints" site is set to go live in March. In a written statement, trial lawyer association President C. Gibson Vance said "the database will amount to an early-warning system." He noted that without this database in place, it took the CPSC and the general public approximately three years to conclude there was a problem with "toxic" Chinese drywall. Manufacturers worry the database "may be filled with fictitious slams against their brands. Competitors or others with political motives could post inaccurate claims ... and the agency will not be able to investigate most of the complaints."

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](#).

## Social Networking Sites Yield Lawsuit Evidence

[Reuters Legal](#) reported an increase in the use of content from social networking sites as evidence in trials, especially personal-injury cases. Two state courts and a federal ruling have given defendants access to classified photos and postings, indicating a legal shift about the privacy of personal information online. The article pointed to a New York Supreme Court ruling allowing the defense to use MySpace postings of smiley faces to disprove a plaintiff's personal injury claim that she suffered "serious permanent personal injuries." The defense was also able to use Facebook photos showing the plaintiff's family traveled to Florida, contrary to claims that she was homebound.

The [Wall Street Journal](#) Law Blog noted a Pennsylvania judge's ruling that while sites like MySpace and Facebook could be used "as forums to divulge and seek advice on personal and private matters ... it would be unrealistic to expect that such disclosures would be considered confidential." In that case, a racecar driver sued Hummingbird Speedway claiming he lost "the enjoyment of life" after sustaining a serious injury. The defense utilized Facebook postings and photos showing he attended the Daytona 500 and went on a Florida fishing trip.

## Crib Maker Sued for Child's Death

The [Boston Herald](#) reported on a suit against crib maker Hayneedle Inc. over the 2008 suffocation death of a toddler. The suit alleged negligence "in failing to warn those caring for him of the crib's 'dangerous and defective characteristics, and of the safe and proper method of assembling, using and maintaining (it).'" The child's death was "a key factor" in the US Consumer Product Safety Commission's decision to recall more than two million Simplicity crib models. CPSC spokesman Scott Wolfson said "We believe that thousands, if not hundreds of thousands, of these cribs could still be out there."

## Nintendo 3DS Health Advisory Lawsuit Fears Prompt Warning

## Match.com Sued Over Bogus, Inactive Profiles

The [Dallas Morning News](#) reported a group of Match.com customers are seeking class-action status in a lawsuit claiming over half of the site's "profiles

belong to inactive members or scammers." The complaint "alleges that Match.com encourages members to renew subscriptions by sending them a message from an inactive or fake profile expressing romantic interest." They are seeking reimbursement for subscription fees and "unspecified damages." Similar suits, including one claiming "the company hired employees to create profiles" to draw members were dropped. Dating website owner Julie Spira suggested a feature granting access to only "premium, paying members," but added, "That might also show the world that it's a few million less members."

## Lawsuit Loans Too Costly for Many Plaintiffs

The NY Times reported that "The business of lending to plaintiffs arose over the last decade, part of a trend in which banks, hedge funds and private investors are putting money into other people's lawsuits." However, the industry is unregulated in most states, "free to ignore laws that protect people who borrow from most other kinds of lenders." Now, an increasing "number of lawyers, judges, and regulators say that the regulatory vacuum is allowing lawsuit lenders to siphon away too much of the money won by plaintiffs." For their part, however, the companies say "that they are not lenders, because plaintiffs are not required to repay the money if they lose their cases." Read [more](#).

## MA Medicaid Fraud Unit Recovered \$66M Last Year

[Dow Jones Newswire](#) reported that according to the state's attorney general's office, Massachusetts's Medicaid Fraud Division recovered over \$66 million in 2010. Attorney General Martha Coakley commented, "Holding accountable those who attempt to defraud the Commonwealth's Medicaid program continues to be a priority of our office, especially at a time when more people struggle to afford critical healthcare services."



## 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](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 \***



Nintendo Co. President Satoru Nintendo Co. President Satoru Iwata did not refute the notion that litigation worries motivated a health advisory warning kids six years and under against playing games in 3D mode on the 3DS model. Nintendo posted a website warning last month noting that staring at 3D images for prolonged periods could negatively affect eyesight development. Satoru said "We are being proactive about informing our customer, even though it may not necessarily be positive for our sales." Read [more](#).



### 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**

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

## Don't Drive Distracted!

**It Kills**



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