

# MONSEES MILLER MAYER PRESLEY & AMICK

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### CLAIMS/CASES

- Automobile Accidents
- Dangerous Products
- Medical Malpractice
- Nursing Home Negligence
- Industrial Accidents
- Construction Accidents
- Recreational Accidents
- Explosions, Electrocutation
- Insurance Claims
- ...and many others.

## Referrals

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.

## CIVIL JUSTICE

Our nation's civil justice, or tort, system holds corporations and citizens accountable when their behavior fails to meet society's expectations of treating each other with respect and care. Those who call for so-called "tort reform" want only to eliminate that kind of accountability, most often to benefit large companies and their CEOs.

Our practice supports America's civil justice system as a fundamental check on the power of businesses and governments, and we oppose all efforts to limit the legal rights of citizens.

Although tort-reform proponents claim our justice system is rife with "junk lawsuits" and out-of-control juries that render wildly high monetary verdicts, many authoritative studies have shown that exactly the opposite is the case.

Here is what an August 2005 report issued by the U.S. Department of Justice's Bureau of Justice Statistics showed about the number of civil cases resolved in U.S. district courts in the past 20 years:

• The total number of civil justice cases dropped 79 percent between 1985 and 2003.

• In 1985, judges or juries rendered verdicts in 3,600 civil justice trials. By 2003, the number had dropped to fewer than 800 trials.

• The number of civil justice cases decided by judges or juries—as a percentage of all civil justice cases—fell from ten percent in 1970 to two percent in 2003.

• In the fiscal years of 2002 and 2003, 98 percent of personal injury cases were resolved by mediation, settled out of court, or handled in some other way that avoided trials, judges, or juries. Only two percent of all cases required trials to be resolved.

• Product liability claims made up 13 percent of all cases, and medical malpractice claims accounted for only 10 percent of cases. Fair-minded juries decided 73 percent of all personal injury trials.

• Nonasbestos product liability trials decreased by two-thirds between 1990 and 2003, from 279 to 87. Plaintiffs won in only one in three cases.

• Punitive damages tend to be awarded less and less frequently in civil justice trials.



*Good people who happen to be good lawyers.*

## Patients' rights in hospitals

Going to a hospital for an emergency or a prescribed surgery or treatment can make anyone anxious. On top of that, many individuals and their families fail to understand what their rights are as patients.

Since most hospitals and care-providing centers prepare documents that specify their patients' rights, everyone can request a copy. Many institutions' patients' rights statements comply with the requirements of the Joint Commission on Accreditation of Healthcare Organizations.

### The rights patients should be entitled to include:

- Respectful care
- Notification of next of kin upon admission
- Privacy
- Personal safety
- Confidentiality of treatment
- Understand the full extent of medical conditions
- Comprehend the ramifications of all prescribed treatments
- Participate in decisions about treatment
- Request or refuse service or treatment, according to law
- Formulate advance directives for care
- Review and contest billing
- File a grievance about service or treatment
- Receive service and care without regard to gender, economic status, educational background, race, color, religion, ancestry, national origin, sexual orientation, marital status, or the source of payment for care.



*Patients believing their patient rights have been transgressed should contact legal counsel.*

## Auto accidents and injuries *Colossus®? What's that?*

Colossus software, developed by Computer Sciences Corporation, is used by several dozen national insurance companies to predict settlement values of accident and other injury claims.

Although marketers claim Colossus ensures fairness by considering many input factors, such as medical treatment, pain, and impairment level, critics express alarm. Their concerns include the software's lack of flexibility of input factors, such as pain and suffering and loss of consortium, reduced input from claims adjusters, and proprietary software secrecy.

Detractors, who perceive Colossus as a means of lowering claims values of the injured, were even more concerned when executives at a large insurance company boasted that Colossus had reduced claims payouts across the board by 20 percent.

Drivers involved in accidents who are concerned with settlement fairness can take several steps:

- Obtain the counsel of an attorney familiar with accident litigation.
- Determine whether Colossus software is being used by insurers in the settlement.
- Insist that adjusters include factors and information supportive to your claims and case, which Colossus may not value highly.



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## Police response time

No national average or standard exists for police response times for Priority 1 calls for assistance.

Priority 1 means the caller faces a life-threatening danger, such as an armed robbery, assault, or shooting in progress.

Many cities and municipalities decline to release average police response-time data, even if it is collected. Some cities do. In 2004, Washington, D.C.'s metro police took an average of 8 minutes, 25 seconds to respond to Priority 1 calls. Boston's police took 8 minutes. San Francisco's officers arrived in 10 minutes.

### Late responses

After a man was assaulted by a neighbor wielding an ax, he went to a police station to report the incident. A desk sergeant told the victim to return home and await a patrol car. Thirty minutes later, while waiting for police in his driveway, the victim's angry neighbor arrived and killed the man by repeatedly running him over. The victim's estate sued the police department for failing to protect him in a timely manner. A jury agreed and awarded the murdered man's estate significant damages.

# ASBESTOS

## Protect your family at home

Asbestos may be found in older homes in attics, pipe and furnace insulation, shingles, wallboard, textured paints, and floor tiles. Exposure to silently spreading asbestos dust can cause serious harm to the lungs, colon, and other organs. Even brief exposure can lead to irreversible asbestos diseases, including cancers.

According to the Environmental Protection Agency, home owners suspecting asbestos may be present in their homes can take several precautions. **Leave** asbestos material appearing in good condition alone.

**Check** suspected material regularly without touching it. Inspect for signs of wear, tears, abrasions, water or other damage, or flaking that can release asbestos fibers.

**Discard** suspect household materials.

Check with local health, environmental, or other appropriate officials to find out proper handling procedures, and dispose of damaged or worn asbestos gloves, stove-top pads, or ironing-board covers.

**Obtain** professional removal assistance if asbestos material seems highly damaged or if home maintenance or improvements may disturb it.



## FOR YOUR SAFETY Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **Atico International USA, Inc.**, asked consumers to return 480,000 Surf Club™ Arm Bands. Seams can tear, causing the inflatable child flotation device to deflate, exposing young children to drowning.
- ✓ **World Wide Cycle Supply Inc.** has voluntarily recalled 25,000 Harley-Davidson 16-inch BMX bicycles with front-wheel fork welds that can separate and cause rider injuries.
- ✓ **American Greetings Corp.** called back 120,000 Sesame Street Toy Sunglasses with lenses that can separate from frames and choke young children.
- ✓ **Target Stores** recalled 494,000 Back Trails Jr. Toddler, Youth and Child Bicycle Helmets, which fail to meet U.S. Consumer Product Safety Commission standards and can cause head injuries to bicycle riders.
- ✓ **Lamplight Farms, Inc.**, wants 963,000 Tiki® bamboo torches and about 18,000 replacement fuel canisters returned. The painted surfaces can absorb fuel, ignite, and burn users and their property.

## What you mean to us

Those who use our legal services mean everything to us. That's why our promise to you is to always do our best every time you need to call on us for assistance.

We hope that the quality of our service pleases you. Behind the scenes, we are always working hard to make sure that each client receives the benefits of our hard work.

### Client focus

We have a genuine interest in every client's satisfaction, and we also have a very strong work ethic. We train all our employees to bring integrity and honesty to all we do to be sure clients always feel that they receive our best efforts. We empower all our employees to make decisions that foster client satisfaction and loyalty.

### Professionalism

If you have questions about service, consultation, billing, or anything else, we will give you straight answers. If we don't know an answer, we'll find out and get back to you right away.

*You mean everything to us.*



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Monsees, Miller, Mayer, Presley & Amick has earned an AV rating, the highest possible, in the *Martindale-Hubbell® Law Directory* for our legal capabilities and devotion to professional ethics. Since Martindale-Hubbell bases assessments on surveys of members of the bar and of judges, we take pride in our colleagues' recognizing and respecting the quality of our legal work.

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## Home-owner's insurance

### Peace of mind

To obtain mortgages and protect their families, home owners purchase insurance to safeguard their homes' structure and personal belongings. Insurance also provides personal liability protection for accidental injuries and payment of living expenses if a fire or other insured disaster forces a family to temporarily live elsewhere.

### Bad-faith claims

When insurers refuse to pay on claims, home owners have recourse in the justice system. A garage's swing-out automatic door seriously injured a condominium owner's neighbor. When the condo association's blanket-policy insurer dug in its heels, refusing to pay \$60,000 for the neighbor's medical bills, the injured woman sued. A jury found that the insurer took a callous approach to the injury. Jurors ordered the insurance company not only to pay the \$60,000 in medical and rehabilitation costs, but also awarded the condo owner multiple times that in damages for the insurance company's bad faith in failing to live up to its own policy's terms.

## Anesthesiologists Reduce malpractice incidents

According to the *Wall Street Journal*, the nation's anesthesiologists have reduced malpractice cases and insurance costs by improving patient safety instead of lobbying for legislation to insulate themselves from patient lawsuits.

They studied why patients were being injured and killed as a result of anesthesiologist negligence and decided to fix the problems and minimize injuries. They demonstrated conclusively that the way to reduce medical malpractice lawsuits is to reduce



medical malpractice and negligence. Anesthesiologists' long-term practice improvement strategy included three essentials: medical equipment to alert surgeons to operating-room problems, realistic simulation of patient treatments, and support of procedures to protect patients from carbon-monoxide poisoning.

The anesthesiologists' strategies worked well, as shown by many key measures:

- Anesthesia-related patient deaths declined from 1 death per 5,000 cases to 1 per 200,000–300,000 cases in the past 20 years.
- In 2005, medical malpractice premiums averaged \$20,572, down 37 percent from 1995.
- Anesthesia-related malpractice lawsuits went down from 7.9 percent of all medical malpractice cases in 1979 to 3.8 percent between 1985 and 2001.
- Malpractice lawsuit payouts fell 46 percent, to \$179,040, between the 1970s and 1990s.