

MONSEES MILLER MAYER PRESLEY & AMICK

A PROFESSIONAL CORPORATION • TRIAL ATTORNEYS



WINTER 2006/07

Brought to you by
Monsees, Miller, Mayer,
Presley & Amick
A Professional Corporation

Web site:

www.mmpaLaw.com

Kansas City Office

4717 Grand Avenue, Suite 820
Kansas City, MO 64112-2258
816-361-5550
800-444-7552
FAX: 816-361-5577

Springfield Office

1021 East Walnut
Springfield, MO 65806-2301
417-866-8688
800-333-7552
FAX: 417-866-8687

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.



Season's Greetings!

May you and those you love experience the quiet beauty of the holiday season. We hope that you and yours enjoy peace, happiness, and good health throughout the coming year.

We would also like to thank you for seeking out our legal services over the years and for referring your relatives, neighbors, and colleagues to us.

Monsees, Miller, Mayer, Presley & Amick

Obstetricians and gynecologists

MYTH:

The expense of medical malpractice insurance and lawsuits is driving thousands of ob-gyn physicians out of practice throughout the nation. Women will face growing difficulty in finding good medical care.

FACTS:

According to the American Medical Association, the number of ob-gyns and general practitioners is *steadily increasing*. However, malpractice insurers and other special interests that want to limit the rights of patients make up false claims as a terribly misleading scare tactic.

Physicians' insurance premiums are too high. However, malpractice lawsuits or payments to injured patients are not the cause. These are actually declining. Instead, the insurance industry is price-gouging doctors to make up for investment losses.

A former Missouri insurance commissioner was shocked after reviewing five years' official filings of the biggest medical malpractice insurers. He saw that although claims payments stayed either flat or decreased, some insurers actually doubled insurance premiums. In 2004, malpractice insurers' total premiums were three times higher than their total payouts.

Good people who happen to be good lawyers.

TRIAL LAWYERS

America's trial attorneys, who protect everyone's rights and champion their legitimate causes, pledge access to our civil justice system for working families who may lack the resources to take product grievances to court.

Lawyers promote the public good through their efforts to secure safer products, better workplaces, cleaner environments, and quality health care by protecting the rights of the injured and preserving the right to trial by jury.

Trial attorneys typically handle cases like these:

- A child paralyzed after being struck by a drunk driver.
- A young woman unable to have children because of a medical mistake.
- A person denied a promotion due to racial discrimination.
- An elderly person mistreated in a nursing home.
- A community whose water was made toxic by a local manufacturer.



I've never filed a lawsuit!

Question:

Although I was injured in a fall, I'm really reluctant to talk to an attorney about filing a lawsuit. Basically, I'm not really a litigious person. I've never filed a lawsuit, and I feel really uncomfortable about initiating one. Is that right?

Answer:

You're not alone. Even though the media make it look like people file lawsuits at the drop of a hat, the exact opposite is true. Lawsuit numbers are declining.

However, many people like you often feel somewhat uneasy about seeking recourse for harm, even when their injuries came through no fault of their own.

Being Good Samaritans like you, they think, "I should have noticed that slippery spot in the supermarket aisle where I fell."

However, most of our cultural, religious, and civil history shows that those who have been harmed have the right to seek fair recompense. It's important not to confuse justice with reprisal. Asking a place of business to pay for medical care for harm that its employees were responsible for is not revenge; it's expecting fair treatment, especially when a party responsible for harm refuses to acknowledge or accept responsibility.



Vehicle rollover accidents

Auto, truck, and sport-utility-vehicle rollover accidents unnecessarily kill 10,000 Americans annually. Another 24,000 suffer severe injuries.

Long-suppressed internal documents show that automakers knew as early as 1966 that car and truck roof designs were so weak that occupants could be crushed to death in rollover accidents. Ford could have fixed this deadly problem for \$43.13 per vehicle. Instead, manufacturers hid the information for years and continued selling dangerous vehicles.

In 2005, the National Highway Traffic Safety Administration—despite specific direction from Congress to increase vehicle roof safety—established auto industry-sympathetic standards mandating only minimal improvements to existing standards. The regulations also prevent lawsuits against manufacturers who ignore their own internal safety researchers to bolster their bottom lines.



No \$43.13 safety improvement

Gary Skinner of Graysville, Alabama, was an avid fisherman with a love for music, says his wife Angela. But on July 28, 2005, Angela lost her 48-year-old husband in a rollover accident when his 1999 Ford Ranger blew a tire, causing Gary to lose control of the vehicle. As Gary's car rolled over, the roof caved in on him, causing a fatal head injury.

FOR YOUR SAFETY **Recalled product roundup**

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

- ✓ **Arctic Cat, Inc.**, has recalled 41,000 Arctic Cat Snowmobiles with fuel tanks that can crack, leak, and burn riders.
- ✓ **Arctic Cat, Inc.**, has also called back 2,120 Arctic Cat Prowler XT Off-Highway Utility Vehicles. Rear brake calipers may leak brake fluid, reducing braking ability and potentially injuring riders.
- ✓ **Tyco Fire & Security** asks buyers to return 21,000 Fire Detection Systems. Sensors may have reduced sensitivity to smoke in conditions of high humidity and high temperature and delay smoke detection in a fire. Tyco Fire & Security also has requested that buyers return 128,000 smoke detectors that also may have reduced sensitivity to smoke.
- ✓ **BRK Brands, Inc.**, a subsidiary of First Alert, Inc., has recalled 145,890 First Alert® ONELINK™ Battery-Powered Smoke and Combination Smoke/Carbon Monoxide (CO) Alarms. The alarms drain battery power rapidly and will chirp to alert consumers to replace the batteries. Failure to replace batteries before the battery power terminates may cause the alarm to fail to detect smoke and carbon monoxide in a fire.
- ✓ **PTI Sports, Inc.**, has asked buyers to return 14,000 Schwinn Deluxe Bicycle Child Carriers. Plastic guide tabs on the carrier seat rack can break and injure child riders.



Nursing homes... **...and accident prevention**

Families with elderly relatives who reside in nursing homes should be particularly vigilant about nursing home and rehabilitation center accident-prevention protocols.

Since many older people may have mobility or physical-dexterity problems, residences and facilities should get rid of accident hazards, such as low objects, floor obstructions, unstable chairs and beds, and unsafe restraint devices.

Dangerous restraints

A 77-year-old patient admitted to a nursing home was asphyxiated after she slid down in her wheelchair and became trapped in restraints. Her daughter sued, alleging care providers had used restraints without physician's orders or family consent. A jury awarded damages for the death and the daughter's loss of society with her mother.



CLIENT SERVICE

Our goal: Keep you informed

We will always strive to help our clients make truly informed decisions about their legal matters. In our counsel, we will constantly keep all clients "in the loop."

First, we will do our best to solicit client input and feelings about each case's background and developments. Clients always have insights and historic knowledge of issues that can help us fine-tune our approach. Listening to clients is very important to us.

Second, we will explain the tactics and strategies we plan to employ so clients understand why we may recommend a particular course of legal action and where we intend the strategy to lead us. We always appreciate client feedback.

Finally, our approach always includes giving each client the opportunity to ask questions—lots of them—which we will answer right away.

MONSEES MILLER MAYER PRESLEY & AMICK

A PROFESSIONAL CORPORATION • TRIAL ATTORNEYS



4717 Grand Avenue, Suite 820
Kansas City, MO 64112-2258

RETURN SERVICE REQUESTED

PRESORTED
STANDARD
U.S. POSTAGE PAID
MAILED FROM ZIP CODE 17604
PERMIT NO. 242

Our Martindale-Hubbell rating

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.

Copyright © 1996-98 Reed Elsevier Inc.

© Copyright 2006. Newsletters, Ink. Corp. All rights reserved. Printed in the U.S.A. www.newslettersink.com

The information included in this newsletter is not intended as a substitute for consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.

Birth-control-patch danger Ortho Evra®

The Food and Drug Administration announced that studies have shown that the Ortho Evra® contraceptive patch may double the risk of dangerous blood clots for women using the medication.

Contraceptive patches placed on the skin may deliver significantly more estrogen to the bloodstream than oral contraceptives, increasing the potential risk of side effects.

More than 60 lawsuits have been filed against the manufacturer, Ortho McNeil Pharmaceuticals, Inc., and its parent, Johnson & Johnson. Lawsuits assert the manufacturer misled patients and health-care providers about the product's safety—and include claims of defective design, failure to warn, breach of warranty, negligence, and wrongful death.

Women who use the contraceptive patch should talk with their physicians and seek professional legal consultation. Please contact our office for more information.

© Ortho McNeil Pharmaceuticals, Inc.



Women using any form of hormonal contraception should not smoke. Smoking may further increase risk of cardiovascular disease and medication side effects.

Cold medication WARNING

Zicam®, an over-the-counter nasal cold product, has been linked to a loss of smell in some users.

Available as a chewable or solid tablet, oral mist, nasal spray, or swab, Zicam contains a sulfate of zinc, which has been shown capable of destroying a user's sense of smell (anosmia) for years. Individuals suffering anosmia may also lose their sense of taste.

Furthermore, loss of smell and taste may make some sufferers unable to sense spoiled foods or perceive fires, deadly fumes, or natural gas leaks.

More than ten million containers of Zicam have been sold since 1999.

The pharmaceutical's manufacturer recently settled more than 300 lawsuits by victims who lost their sense of smell after using the product.

Anyone who used Zicam and lost the ability to smell should speak with a physician and seek professional legal consultation. Please contact our office for more information.

© Matrixx Initiatives