

The Road To Justice Starts Here

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beware of dangerous

MEDICAL CLINICS

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The abuse of a wide variety of prescription drugs will soon surpass smoking as the number one health problem in America. Rogue medical clinics and doctors are a big part of the problem.

For example, I tried a case recently against a "Pill Mill" medical clinic and its medical director. The jury found that they should pay \$10,700,000 in damages to the family of a man that died from prescription drugs prescribed by the clinic. The verdict is believed to be the first rendered in a civil court against a pill mill due to a death caused by the prescription cocktail of xanax, soma, and vicodin. The man died after seeking the medication for his hurt back. He took the recommended dosage which killed him due to several underlying medical conditions which the doctor should have known would likely cause him to die if the medicines were prescribed.

The verdict is being described as historic by sev-

eral media outlets because it is the first known civil jury verdict against a "pill mill".

A "pill mill" has been described as a pain management clinic that is set up to reap enormous profits from the sale of narcotics without a legitimate medical use. It was also shown at trial that the medical director, Dr. Conte, rarely, if ever, visited the clinics where he was Medical Director. Instead, he met with the clinic owners at a cigar bar where he received cash in exchange for pre-signed prescription pads. Conte eventually surrendered his medical license, but is believed to have made millions of dollars from his illegal activities. The Centers for Disease Control has named the Houston, Texas area as one of the worst places for "pill mills" in the United States, where over 500 are being operated. The DEA has been lax in prosecuting.

Be careful. Many clinics appear legitimate, but in reality, there is no medical oversight by a physician. Certainly, those with addictions are at risk. However, innocent people who need pain medicine for painful injuries are at risk too! ■

BIG TRUCK TIRE blowouts

If you've done even a little bit of driving on highways or interstates, you've probably come across the remnants of a tire blowout from a tractor trailer or other large truck at some point.

Unfortunately, a truck tire blowout can lead to a serious accident if the truck driver loses control when the blowout occurs or if another driver swerves to avoid the large strips of rubber and other debris scattered all over the road after a blowout.

The three most common causes of truck tire blowout or failure are:

1. Tires that are defective. Sometimes tire manufacturers sell defective tires that end up being recalled.
2. Improper maintenance of tires. Trucking companies often make mistakes such as allowing drivers to use tires that don't have enough tread, mounting tires that are different sizes or that have major differences in tread wear, or mixing different types of tires (bias and radial) on the same axle.
3. No pre-trip tire inspection or a poor inspection. Truck drivers are required to do a pre-trip inspection. If they fail to do the inspection or perform the inspection but don't notice obvious signs of a problem such as worn tread, sidewall damage, or over or under inflation issues, a trucking accident may occur.

If you have been involved in an accident caused by a big truck tire blowout, you should seek the counsel of an experienced trucking accident attorney. Truck accident cases are often very complicated, involve multiple insurance companies and usually require a thorough understanding of the trucking industry. ■



DON'T LET YOUR PAST COME BACK TO haunt you

If you have been hurt in a car or truck accident, chances are good that you are mainly focused on how to heal from your current injuries and how to handle your medical bills.

Chances are also good that you aren't really thinking about prior injuries or accidents that you've had. However, your injury and accident history is critical information that could end up limiting your ability to collect compensation if you don't share it up front and truthfully with your attorney.

Why is that?

Well, for starters, the insurance company will stop at nothing to limit the amount of money it has to pay out for claims, and you can bet that its investigators will be digging up every bit of information they can find to use against you.

The insurance company's goal will be to try to show a link between your current injuries and some accident or injury you've had in the past. The key is that your attorney can prepare for and deal with these arguments and tactics — if he or she knows about your past ahead of time.

Never let the insurance company be the first one to know about your history. Be 100 percent honest with your attorney about your past and give yourself the best opportunity to collect for your injuries. ■

I WASN'T EVEN DRIVING...

why am I getting sued?



It didn't seem to be a big deal at the time. You were at a party when your best friend asked you if he could borrow your car to run a quick errand. The only problem was that he had been drinking (you knew that but figured he was okay to drive).

He ended up having an accident in which someone got hurt, and now you've learned that you are being sued by the injured victim. How can that happen?

In Texas if you lend your car to a reckless, incompetent or unfit driver, you can be held liable for damages caused by the driver if he or she gets in an accident. This is known as negligent entrustment. To win damages in this type of case the person bringing the lawsuit has to prove that you knew or should have known that the driver you lent the car to was not fit to drive at that time.

Some examples of drivers that you could be held liable for if you lend them your vehicle include:

- A drunk driver.
- An underage driver or unlicensed driver.
- An inexperienced driver (such as a driver with just a learner's permit who is allowed to drive unsupervised).
- An elderly driver who is extremely frail or has really slow reaction times.
- A driver with an illness that makes him or her unfit to drive (such as narcolepsy which can cause them to fall asleep at the wheel).
- A driver with a history of reckless driving.

If you or a loved one was injured in an accident and are considering a lawsuit against the driver and/or someone other than the driver, you should consult with an experienced car and truck accident attorney. ■

FAQ



Can a workers' compensation doctor be held liable for medical malpractice?

Yes. Any doctor who deviates from the accepted standard of medical care and injures a patient can be held liable for malpractice, including workers' comp doctors. It doesn't matter what type of doctor you go to see or what condition prompts you to seek medical attention. ■

February Important Dates

February is also Black History Month

February 21 — Presidents' Day

February 14 - Valentine's Day

February 6 — Super Bowl Sunday

February 2 — Groundhog Day

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If you know someone who needs more information about the process of filing a claim or suit, please get in touch with us for free informative material sent directly to you. This includes articles written by Mr. Stephens on the *5 Deadly Mistakes That May Wreck Your Houston Injury Case*, *The Truth About Lawyer Advertising*, *The Texas Car Insurance Policy*, and other interesting information. The free material explains many mistakes people and lawyers make when filing claims or handling lawsuits. It also provides helpful information on how to find the right lawyer, should you ever need one.

This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

CONSUMER ALERT

drop-side cribs banned

After recalling more than 11 million dangerous cribs since 2007, the U.S. Consumer Product Safety Commission (CPSC) recently voted unanimously to ban so-called “drop-side” cribs as part of the first update of federal crib standards in nearly 30 years. The CPSC expects the new rules to usher in a safer generation of cribs.

Once they become effective in June 2011, the mandatory crib standards will: (1) Stop the manufacture and sale of dangerous, traditional drop-side cribs; (2) make mattress supports stronger; (3) make crib hardware more durable; and (4) make safety testing more rigorous.

The new federal standards will apply to all cribs manufactured, sold or leased in the United States. Child care facilities and places of public accommodation, such as hotels and motels,

must have compliant cribs in their facilities within 24 months after the rule is published.

Detaching drop-side rails have been associated with at least 32 infant suffocation and strangulation deaths since 2000, and additional deaths have occurred due to faulty or defective hardware.

For additional information on crib safety, recall announcements, and tips for creating a safe sleep environment for baby, parents and caregivers are encouraged to visit the CPSC’s crib information center at www.cpsc.gov/info/cribs. ■



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