



## **Happy New Year to our Clients & Friends!**

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**January 2007**

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### **Steer Clear of Winter Driving Hazards**

Authorities on the subject say the rules for vehicle maintenance and driving technique applying all seasons. But, the penalty for not heeding them is more serious in winter. With that in mind, consider this advice from the National Safety Council:

Before even considering driving in bad weather, make sure your vehicle checks out and all systems are working properly. Make sure you have all-season or snow tires, and that they are properly inflated.

Assemble your emergency kit. A plastic crate or tote bag will hold gloves, a scarf, knit cap, extra clothes, ice scraper, safety goggles, flashlight, flares, jumper cables, water, and a first aid kit. You could add boots, blankets, a snow shovel and snowbrush. A bag of sand or two pieces of burlap will give extra traction.

Now ask yourself if you really have to go. Check the weather report and your own physical and emotional state. If you can postpone the trip, do so. If not...

- Buckle everyone up. The Insurance Institute for Highway Safety says kids under 12 should travel in the back seat in an age-appropriate safety seat.
- Be gentle on your car. Turn everything off before starting the engine. Avoid braking too hard or too abruptly, and accelerate smoothly.
- Double the 2-second rule for interval between your vehicle and the one ahead. Sometimes a 6-second interval is better.

## **The Great Medical Malpractice Hoax On the American Public Uncovered ....**

You've probably heard politicians and insurance companies claim that "lawsuits are driving many good doctors out of practice" because the lawsuits have caused malpractice insurance to skyrocket.

But, statistics published by the American Medical Association (AMA) reflect the number of practicing physicians is growing faster than the population. This was pointed out in a 25 page, January 2007 report written by the Public Citizen's Congress Watch, a non-profit organization representing

consumer interests, which analyzed data in the National Practitioner Data Bank (NPDB) Public Use File from 1990 through Dec 31, 2005.

You've also heard the insurance companies say that malpractice awards are unpredictable and skyrocketing. However, the data shows that neither is correct. Public Citizen found that:

**Medical Malpractice Payments are Actually Declining. ---**

- The number of malpractice payments decreased 15.4% from 1991 to 2005
- The number of payments per 100,000 population declined by more than 10% from 1991 to 2005.
- After adjustments for inflation, average annual verdict payments declined 8 % between 1991 and 2005

**Patients with minor injuries don't receive big payments.** The majority – over 64% --of malpractice awards occur with cases involving death, or major injuries. Payments for “insignificant injury” were less than 1/3 of 1 percent of payments in 2005. The report also reflected that Million Dollar Judgments are less than 1% of the total number of payments. In fact, the report found that the medical liability system operates rationally.

## Patient Safety At Stake

Other disturbing trends, which you don't hear about from insurance companies, were uncovered in this report. The real medical crisis is the high number of preventable medical errors and lack of accountability for doctors who make multiple errors, seriously injuring patients. Public Citizen found that:

- **Some common, preventable errors are increasing** – “failure to diagnose” cases increased from 16% in 1991 to 19% in 2005 as a proportion of all errors. Also, “improper performance” cases grew from 10% to 15% of payments.

While the number of payments for preventable errors, like operating on wrong body parts or leaving foreign objects inside a patient, declined over the period of 1991 to 2003 (going from a high of 874 cases down to a low of 503 cases) that downward trend dramatically reversed its direction in 2004 and 2005 (going back up to 705 – an 11 year high). **This means that easily preventable errors are up 40% since 2003**, which is a very alarming trend and something that needs immediate focus.

The problems with malpractice cases stem from a small minority of doctors. Most doctors – 82%-- have never had a medical malpractice claim since the NPDB was started in 1990.

**The data reflects that a small 5.9% of doctors were responsible for the majority – 57.8%-- of the number of all malpractice payments since 1990.** Each of these doctors had at least two payments and some had 10 or more payments. **(One example was a doctor who had 31 payments).**

You would think that state medical boards would ensure that physicians meet high standards, which is what they are responsible for. However, many times state medical boards ignore doctors with repeated problems.

For instance, in 2001a surgeon in Hawaii put the shaft of a screwdriver in a patient's spine, and during the trial it was revealed that the doctor had been previously suspended from practicing in Texas and Oklahoma.

According to Public Citizen's analysis, discipline is not strict enough for repeat offenders. The NPDB data showed that only 33.26 percent of doctors who had 10 or more malpractice payments were disciplined (such as license suspension or revocation) by their state boards ---**meaning 2/3 of these doctors with 10 or more malpractice payments weren't disciplined at all.**

**The conclusion of the report was that blaming injured patients by taking away the constitutional right to seek payment through the court system is really all about protecting business profits over patient health and safety.**

**Instead, the report recommended that patient safety systems and physician monitoring be improved** with various actions, such as requiring prescriptions be done electronically, rather than on paper, cutting down miscommunications and errors from drug interactions and allergies.

Other suggestions were for more limitations on working hours for physicians to reduce errors from fatigue, and implementing uniform pre-operative checks and rechecks to

eliminate surgery to the wrong patient or location on the body.

Furthermore they recommended that information about criminal, malpractice and hospital disciplinary actions concerning physicians be made available to patients to allow them to make informed decisions.

Improvements would increase patient safety, save lives, reduce lawsuits & costs, which would also protect and benefit doctors as well as patients. (The full 25-page report will be available on my website at [www.netlegalhelp.com](http://www.netlegalhelp.com))



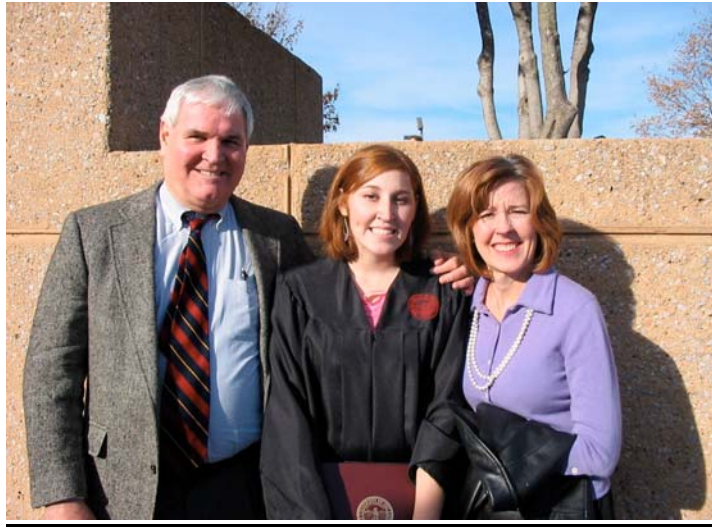
### **LEGAL TIP OF THE MONTH—Be Sure to Read it – Before Signing a Lease!**

Most people don't read the whole lease before signing it. Later, if there's a problem, they'll say, "You didn't tell me that." Then they'll read their lease. Unfortunately, not reading the lease is not a defense for violating the terms.

Leases can be with your landlord, car rental agency, automobile dealer, furniture and appliance rental store, storage unit rental company, and equipment dealer, as some common examples. Leases are between the owner of something and the person renting it. There is no standard lease. Some are long and some are short. Most cover similar issues, but the detail can differ significantly. You are responsible for all the terms of the lease, whether you're familiar with them or not.

Furthermore, nothing that is said orally will change any part of the lease. If you don't agree with all the terms, don't sign it. When you're considering entering into a lease it's a good idea to request a copy of it ahead of time so you have the opportunity to read it to make sure you do agree to all the terms before signing it

You can request changes to the lease, but changes must be in writing and you and the other party both should initial them. If you have questions--seek legal advice-- before signing something you later regret



**Ed, Christine & Susan Geary at OU Graduation**

## **YAHOO! WE HAVE A COLLEGE GRADUATE!**

If you may remember last month, I said, in addition to all the holiday activities, my daughter was graduating from college. Well, it really happened. Here is a picture of proud Dad and Mom and our lovely daughter, Christine. Hooray! ---No more college tuition ..... at least..... not until next year when our son goes off to college. (Oh well, someone needs to keep writing checks to OU so they can use it to continue their winning football tradition --- which I am a big fan of, by the way.) Anyway, as you can probably tell from the smiling faces this was a wonderful and momentous event for our family!

## **Welcome To New Clients And Thank You For Referring!**

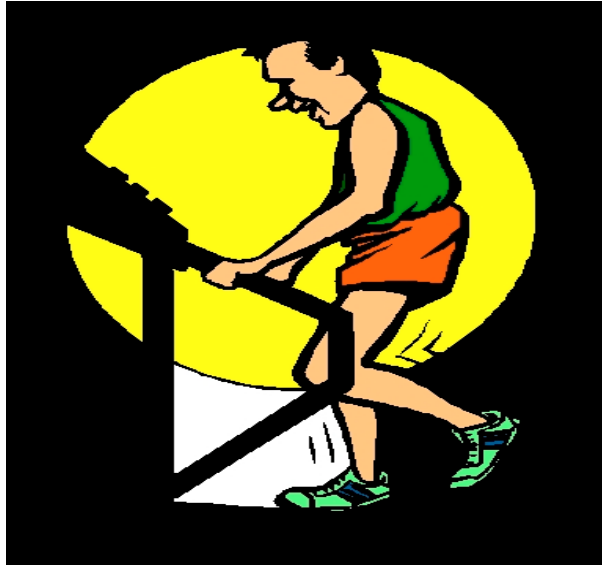
*I love spending more of my time thinking about your case, various strategies and the best way to educate and help you with your legal matters, rather than spending my time doing TV and radio advertising to bring in new clients. That's why I appreciate your referral of two like-quality individuals who need to talk to a lawyer. Furthermore, I will gift your two referred friends, relatives, neighbors, or peers (not current or past clients) with a \$100 Value Consultation Certificate. Just call the office at 405-728-8223 to make the arrangements.*

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### **Did Ya Know?.....**

**What are the odds of marrying rich?** It might be too late for you, but if you hope your daughter marries a millionaire, the odds are 215 to 1, according to Gregory Barr, author of "LIFE: THE ODDS (And How to Improve Them)" --- (*I guess it's a good thing my daughter finished college!*) ....and the odds of your son or daughter growing up to be President of the United States is 10 million to 1. To improve the odds they should be tall, attend Harvard or Yale, go to law school and get and stay married.

Patience, persistence, and perspiration make an unbeatable combination for success" –*Napoleon Hill*



## Health Tip Of The Month...

(These tips are not for everybody and should not be taken as specific recommendations. Before you take any action regarding yours or anyone's health, we strongly suggest you consult a qualified physician!)

### Fight These Three Winter Health Wreckers

- 1. Skipping your workouts --** If you started skipping exercise in November, it's even more important to start exercising again now so you can get back into shape.
- 2. Not eating right –**
  - Drink water often (Indoor heat is dehydrating.0Drink a glass of water after each mixed drink at a party.
  - Start meals with chicken soup. It has disease-fighting chemicals, and you eat less of the main course.
  - Choose nuts at gatherings and parties and eat them slowly. Skip the baked goods, candies and chips.
- 3. Getting Sick –**
  - Wash your hands often, especially if you touch your eyes, nose, or mouth, and after touching sick people.
  - Increase your immunity by eating squash, carrots, or pumpkin, which the USDA says will increase your immune-cell count by a third.
  - Do moderate exercise. Doctors say those who do seem to have fewer colds.
  - Get enough sleep. Maintain your routine. Don't eat heavy food or drink alcohol for a few hours before bed.

## Client Quiz!

Please enter our Client Quiz. The first person who answers the quiz question correctly will receive a Free Blockbuster certificate. All you need to do is circle the correct answer below and fill out your name and contact information and either fax this to me at 405-840-9467 or mail it to Ed Geary, Attorney at Law, 5601 NW 72<sup>nd</sup>, Suite 178, Oklahoma City, OK 73132 or call in your answer to 728-8223 and leave your name, phone number and time you called.

*Congratulations to Clinton Wilburn! He won a FREE Blockbuster certificate as last month's winner!*

### **Now Here's The December 2006 Quiz Question And Answer!**

**Q.** Christians in China call Santa Claus *Dun Che Lao Ren*, which means what?

- A. Christmas Old Man --- Correct answer**
- B. Winter Festival Spirit
- C. Firecracker Red Suit

### **Now Here's this month's 2007 Quiz Question!**

**Q.** Which of these dictators, all of whom died in 2006, had an aftershave and a meteor named after him, as well as the month of January?

- A. Slobodan Milosevic
- B. Augusto Pinochet
- D. Saparmurat Niyazov

### **"3 Questions You Should Ask Before Hiring a Lawyer Plus 6 TIPS For Getting Higher Settlements in Your Personal Injury Claim and Avoid Paying for Losses that Aren't Your Fault"**

If you or someone you care about happens to be the victim of an accident through someone else's fault you need this information. The insurance company who represents the other person at fault is not on your side and is trying to limit the amount paid out. That's why you need to be as informed as possible.

Call 405-728-8223 to get a copy of our FREE Report that reveals this critical information

### **10 Ways to Save on Your Homeowners Insurance**

If you are a homeowner there are a number of ways to save on the costs of insurance as well as a number of considerations you need to take into account to properly protect yourself ---- things that your insurance company may not have told you. Discover these 10 ways to save as well as other critical information by asking for our FREE Report. Call 405-728-8223 to get a copy of this new report.

If you would like any additional free reports, or would like some of your friends, co-workers, relatives, business acquaintances, etc. to receive a FREE subscription to this newsletter, please fill out the info on the reply form, and we'll add them to the mailing list. We'll also send them a note with their first issue telling them that you had suggested they receive the newsletter, and to contact us if they would like to stop at any time. If you enjoy this newsletter, why not share it for FREE with people you know, with no hassle for you!

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**PLEASE FAX THIS FORM BACK TO US ANY TIME: 405-840-9467, OR MAIL IT BACK TO:  
Ed Geary, Attorney at Law, 5601 NW 72<sup>nd</sup>, Suite 178, Oklahoma City, OK 73132)**

**YES! I'd like more FREE information on the following FREE Reports Available!**

*Call 405-728-8223, or Fax to 405-840-9467, 24 hrs., To Get Any Of These Free Reports!  
(When leaving a message be sure to indicate which reports you want and where to send them)  
Or Check Off The Ones You Want On This Form And Mail/Fax It In!*

- “Questions You Must Ask Before Hiring Any Lawyer”**
- “How to Protect Your Rights if the Unexpected Happens & You are stopped or Arrested; & Avoid DUI Guidelines” Glove Box/Wallet or Purse Mini Guide (Remember to get some for your friends and loved ones –so tell us or indicate how many of these you want)**
- “10 Legal Ways To Save Thousands In Taxes The IRS Prays You Never Learn!”**
- “10 Common Estate Planning Disasters (And How to Avoid Them)”**
- “Avoid Losing Everything in a Divorce - 7 Key Points You Need to Know to Protect Your Assets and Your Children in a Divorce”**

**Please contact me to set up a consultation regarding the following legal matter:**

\_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Best time to Contact \_\_\_\_\_

- Please add a FREE subscription to your monthly newsletter for the following people. I understand you will send them a note explaining I suggested they get this FREE subscription, and that all they have to do is contact us if they wish to cancel.**

1. Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

2. Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Please use additional paper if necessary! **Thanks, and don't forget to send or call in your Client Quiz answers (page 6) to win a FREE Blockbuster Certificate!**