

LEGAL LEAD STORY**TORT REFORM: THE JOKE IS ON YOU!**

Everyone loves jokes. Lawyers are the subjects of many jokes. Some of these jokes are pretty funny. Truth is, even lawyers sometimes laugh at some of the jokes. However, some of these lawyer jokes are not funny.

Unfortunately, there is a joke involving lawyers that is no laughing matter. This time the joke is on *all* of us. It is the joke called tort reform.

Tort reform is a nationwide effort driven primarily by doctors and large corporations seek to reduce or eliminate your right to trial by jury and fair compensation if you are injured by a medical mistake. State by state, your rights are being eroded. Our current President has tort reform at the top of his “to-do” list and Congress is working away on heeding this call. “The lawyers are ruining our society” and “we are overlawyered” are two often heard battle cries. Many of you have probably served jury duty and were given the power to decide the facts and render a decision in a legal dispute. Now doctors and corporations seek to limit that power and your access to justice if you are injured by a medical or corporate mistake or misdeed. One feature found in many tort reform proposals is an arbitrary limit on the amount of money that a jury could award if a person is injured. On a related front, there is a bill in the North Carolina legislature that, if signed into law, would sharply limit the rights of injured workers.

Doctors are vital to the success and survival of our society. In fairness, there are times when a person’s physical condition either does not improve or worsens due to no fault of the doctor. It would not be fair to hold the doctor responsible and the law protects doctors in these situations. North Carolina has strict procedures to prevent the filing of “frivolous” lawsuits, including a special rule which requires that victims must have a qualified medical expert who will testify that the case has merit. Lawyers can file motions to have a case dismissed prior to trial if there is insufficient evidence of medical malpractice or corporate negligence.

The statistics and “facts” often used to support tort reform do not hold proverbial water. Medical malpractice premiums are not rising due to claims and lawsuits by patients. The truth of the matter is that the vast majority of medical malpractice cases end in dismissal or a jury verdict in favor of the

doctor. Medical malpractice lawsuits are horrifically expensive and it is not uncommon for an injured patient to incur several thousands of dollars in expenses during the course of a case. Despite reports to the contrary, statistics show the number of doctors in North Carolina continues to increase on a yearly basis. Malpractice insurers have even stated that tort reform will lead to a modest, at best, reduction in malpractice insurance premiums for doctors.

There are countless examples of drugs and products that have been recalled or discontinued due to dangerous defects and health effects. In some cases, the corporation manufacturing the product actually knew of the product's dangerous nature or harmful effects yet failed to adequately disclose this information to the government and users of the product. In spite of the huge profits obtained by corporations, the civil justice system is the only real means that the average American has to even the playing field and obtain compensation for injuries and damage due to corporate misdeeds.

This article is not meant to demonize doctors and corporations but instead to cause the reader to stop and think critically about the logic behind tort reform. In the end, we are all one mistake away from being a victim of medical malpractice or a corporate mistake. Would you want your rights automatically limited if something happened to *you*? If so, then I ask you to send a letter to your elected representatives and your doctor notifying them of your agreement to limit your recovery in the event you are injured by the mistake of a doctor or corporation. If not, contact your legislator and tell them you oppose the assault on your legal rights. Write a letter to the editor of your local newspaper about the need to protect our jury system. If you or a loved one has been injured by a doctor's mistake, defective product or dangerous drug, please call John O'Neal of the O'Neal Law Office for a free legal consultation.

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Under the Fair Credit Reporting Act, you are entitled to one free credit report per year at www.annualcreditreport.com. The program is being phased in throughout the United States and is available right now for people in the West and the Midwest. The entire United States will be phased in by September 1, 2005. If you want a credit report but do not want to navigate the Internet to get it, just call 877-322-8228 and have your free credit report mailed to you. After receiving your free credit report, be sure to make an annual reminder for your free credit checkup. BEWARE: there are numerous free credit report services which give you one free credit report on the condition that you subscribe to a credit-monitoring service. For a free credit report with no strings attached, be sure to go to www.annualcreditreport.com.



Money Saving Tips

1. Wash your clothes on your washer's "warm" or "cold" setting. Unless you are dealing with oily clothes, the "warm" and "cold" settings do just as good a job as "hot" and can cut the load's energy use in half.
2. Use regular grade gasoline (87 octane). Most vehicles operate just fine on regular grade gasoline. Check your vehicle's owner's manual to be sure.
3. Consider higher deductibles for your home/renter's and auto insurance.
4. Take a shower instead of a bath. You use 15 to 25 gallons of hot water for a bath but less than 10 gallons for a shower.
5. Minimize your purchase and consumption of "convenient" or "fast" foods. They tend to be expensive and less healthy. Plan ahead and take prepare your own food. (See below "Eating Healthy On the Go")
6. Ask your doctor if there is a generic drug that can replace your expensive name-brand prescription.
7. Avoid needless ATM fees and only use ATMs operated by your bank. Plan ahead for your cash needs.
8. Never go shopping without a list. When shopping with a list, stick to the list.
9. Continue (or start) a habit of saving at least a dollar a day.
10. Cancel or cut back on cable and satellite TV services. Opt for local TV, radio or a good book.



Eating Healthy On The Go

Here are some healthy foods and snacks you can prepare before you take your next road trip. Some of these foods are handy to keep near your desk at work or in a portable container. If you do not have a portable lunch tote or cooler, make the investment and buy one. It will save you money and calories down the road.

- Turkey breast sandwich with spinach and tomato
- Fruit and fig bars

- Raisins
- Carrots
- Tuna (max protein and minimum fat in a can!)
- Dried nuts/almonds (beware: nuts tend to be high in saturated fat so limit your intake)
- Fresh fruit
- Bottled water (when served ice cold, it is one of the most refreshing things on Earth)
- Natural popcorn—no butter, no salt (pop it in the microwave and then bag it to go)
- Frozen fruit pops and sorbet
- Animal crackers
- Ginger snaps
- Graham crackers

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