

Our News Letters also appear on our website.



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Our thoughts are with those that are defending this great nation. We wish their speedy return to their families and loved ones.

The Truth About Binding Arbitration Clauses

Did you know that many businesses attempt to take your right to jury trial away by inserting a binding arbitration clause in the fine print of a sales contract, nursing home admission application or other such contract? Some of these arbitration clauses require the consumer to travel to another state to participate in the arbitration. For example, the auction site e-Bay requires its customers to travel to its home turf of San Jose, California to arbitrate a dispute.

A binding arbitration clause, if enforceable, eliminates a consumers right to present a dispute to a jury in this state. It is usually a one sided agreement and some arbitration clauses apply different rules than Oklahoma law. Arbitration costs can be high and require the consumer to pay upfront costs just to have a dispute heard. Corporations that routinely enforce arbitration clauses have a distinct advantage over consumers. In a study of approximately 19,000 cases, consumers lost a shocking 94% of the time and prevailed only 4%. The study also revealed that 90% of the cases were handled by the same small group of arbitrators, and some of these arbitrators processed as many as 68 cases in a single day. The

arbitrators bill by the hour for their time in arbitrating a case—the more time it takes to arbitrate a case the more money they make. For example, two case were identified in Alabama involving consumer complaints with the same issue and the same defendant. One proceeded to court and the other proceeded to arbitration. The case that proceeded to court cost the consumer less than \$600 in court costs, however the case that went to arbitration cost \$42,000, excluding attorney fees. Costs included \$36,000 for the arbitrator for 120 hours (\$300 per hour). The consumer in the arbitration case ended up having to pay a \$6,000 filing fee and half of the arbitrator's fee, or about \$18,000.00. This example clearly explains why corporations desire arbitration clauses, the costs associated with arbitration simply prove cost prohibitive for most consumers and they simply drop the complaint.

Recently SB1852 was introduced in this state which would have given the consumer more rights in dealing with these one sided arbitration clauses, however it was killed by the Republican Senate Judiciary Committee. Consumers need to contact their senators and legislators and voice their

CONCERNS about arbitration to take your rights away. For more information see www.peopleoverprofits.org

which contains additional information regarding arbitration clauses and their affect on Oklahoma consumers.

PARTNER'S - "JUST A THOUGHT"

Should legislators who have a special interest in certain legislation be allowed to vote on the legislation? Apparently the legislature has no problem with the concept.

Recently Representative Cox killed a bill that would require nursing homes to carry liability coverage to satisfy damages caused due to neglect and abuse. He admitted to owning several nursing homes. He cited low Medicare reimbursement rates as the reason.

Meanwhile, the Washington Post reported on April 9, 2008 that ***"From 2004 through 2006, patent safety errors resulted in 238,337 potentially preventable deaths of U.S. Medicare patients and cost the Medicare program \$8.8 billion, according to the fifth annual Patient Safety in American Hospitals Study."***

Perhaps Medicare could raise reimbursement rates if nursing homes and hospitals reduced medical errors. Apparently Mr. Cox is ok with the concept that residents should not be compensated for conditions caused by medical errors, abuse and neglect by a nursing home. He apparently desires that all of us Medicare tax

paying citizens foot the bill for the increased medical costs due to the errors, neglect and abuse. This allows nursing home owners, like Mr. Cox, to continue to make profits at our expense. Even worse, he is in a position to see that legislation accomplishes such an unreasonable and offensive scheme.

If we as drivers in this state are required to carry minimum liability automobile insurance, why should nursing homes be allowed to obtain a license to operate a nursing home without carrying minimum liability insurance? The answer to the question should be obvious to everyone when studies such as the one mentioned in the Washington Post found that ***"Patients who experienced a patient safety incident had a 20 percent chance of dying as a result of the incident."***

I doubt that nursing home owners would refuse to carry liability coverage if the legislature passed a bill making nursing home owners personally liable for all damages caused to the resident because of medical errors, abuse and neglect if the home was uninsured. Just a thought.

Rick Bisher

NEW PRACTICE AREAS

RBR wants to remind all of our clients that we now handle family and criminal law matters.

If you are experiencing a family law problem, let us help you. Call John Langford, who will be happy to assist you with your child custody, divorce or other family related matter. John's dedication to resolving family law matters will successfully help you succeed in this difficult and emotional type of litigation.

Sometimes circumstances cause us to run afoul of the law, if that should occur, rest assured that RBR is here to help you. Criminal matters are serious, and John Langford is ready to devote the time and resources required to ensure that you are provided the best possible defense.

DID YOU KNOW?

If you ever have to go to trial, unless you are suing your own insurance company directly (a bad faith or breach of contract case), the jury will not know that the adverse party is insured. Oklahoma law prohibits the jury from being informed that the negligent party is insured. The legislature believes that if the jury was so informed that jury verdicts would be higher. This rule really makes no sense in automobile accident cases, since in this state every driver is required by law to purchase minimum liability limits of \$25,000 per person, \$50,000 per accident.

Thus, the jury should know that unless the negligent driver violated Oklahoma law that they have the mandated minimum coverage. Regardless, the fact remains that the jury will not be informed at trial that the negligent driver was insured.

Want to know more about the firm, go to www.rbrlawfirm.com



EXPERIENCE, SKILL AND KNOWLEDGE TIPS THE SCALE IN FAVOR OF OUR CLIENTS. We get results, it's just that simple! RBR has collected over \$500,000,000.00 for our clients. We do our best to obtain successful results each and every day for our clients!!

QUESTIONS OR CONCERNS

We really try to represent our clients to the best of our ability, and if you think that you are not getting the service that you expected, do not hesitate to call Phil Ryan or Rick Bisher to discuss your concerns. We will do our best to answer any and all questions you have or clear up any confusion about your case.

Your case is important to you and it is important to us. We appreciate the opportunity to address your concerns, so don't hesitate to contact us.

COMMUNICATING WITH STATE LEGISLATORS

Writing a personal letter to your legislator is much more effective than a mass generated form letter. Type your name, address and phone number at the top of the letter. Send the letter when the legislature is in session. The Oklahoma Legislature is in session February 4, 2008 through May 30, 2008. If you send a letter before or after these dates, it may be more effective to send your letter to your legislator's district office. If you are writing to your state senator, send to:
The Honorable (full name)
State Capitol (Room Number)
Oklahoma House of Representatives
Oklahoma City, Oklahoma 73105

If writing to your state house of representa-

tive, send your letter to:

The Honorable (full name)
State Capitol (Room Number)
Oklahoma House of Representatives
Oklahoma City, Oklahoma 73105

Be specific. The purpose of writing the letter should be stated in the first paragraph. If you are referring to a specific bill, try to refer to the bill by its number. State your position. Explain why you support or oppose the bill. Keep in mind that examples concerning the impact of the legislation are very powerful. Ask for a reply, and follow up. If you agree with your legislator's vote or disagree with his vote, let him/her know. Your voice only counts when it is heard—make it count!!

HUNTING SEASON JUST AROUND THE CORNER

It seems like summer has flown by. For all those hunters out there, it is time to start preparing for another hunting season. Archery season opens on October 1, 2008. Muzzleloader opens on October 25th and rifle season starts on November 22, 2008. It's time to get food plots ready and to fill the feeders. We hope you have an enjoyable hunting season. Be safe and don't forget to wear a safety harness if hunting from an elevated stand. Good luck.

HUNGRY?

Jaime's Cheese Enchilada Bake

1lb grd beef; 1 chopped onion; 2 cups shredded cheddar cheese; 1 four oz can Rotel, drained; 1 can cream mushroom soup; 1 can red enchilada sauce; 8 corn tortillas.

Preheat oven to 350 degrees. Brown grd beef & half of onion & drain. Return to skillet, stir in green chiles, Rotel, soup & enchilada saice. Bring to boil, then simmer 10 minutes. Reserve 2 cups meat mixture. Place remaining amount in 8x8 glass pan. Wrap tortillas in damp paper towel and microwave on HIGH 1 minute or until softened. Fill each tortilla with cheese and onion, roll and place on top of mixture in pan. Top enchiladas with remaining meat mixture and cheese. Bake 20 minutes or until heated through.

Serve and enjoy!!

If you have recipes that you would like to share, send them in and we will include them in our upcoming newsletters.