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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.

TORT REFORM WILL BITE YOU IN THE BEHIND

Couple Says Dr. Mistake Caused Wife's Hearing Loss

by Tiani Jones

DALLAS (CBS 11 News) — A Dallas woman checked into a local hospital for a routine treatment and says a doctor's mistake left her with a permanent disability. The surprise came when she tried to get help from lawyers, who told her that because of Texas law there was nothing they could do.

Sue Gonzales looks perfectly healthy, but everything around her is silent.

"I feel sad. I cannot hear and people talk to me. My friends, they no come see me anymore," Sue said.

Sue's husband Daniel says the damage was caused by medication. "The Ciproflex kills the nerve in the ear, so the one ear is completely gone, the other one is 70 to 80 percent gone."

Daniel says his wife was given the antibiotic via IV, to help with a case of diarrhea. Little did the couple know the antibiotic had a dangerous side effect.

According to Daniel, "The doctor turned around and looked at the IV's they were giving her and said, this is what's causing it right here, so he says I'll tell them to take it off."

But the Gonzales's say the IV was never removed and caused permanent damage to Sue's ears.

The first attorney the couple went to said, the state had basically put him out of the malpractice business, and he doesn't do those type cases anymore.

In 2003, Texas voted in favor of Proposition 12. Backers of the proposal said it would prevent frivolous lawsuits, by limiting pain and suffering amounts in malpractice cases to \$250,000.

"Therefore at \$250,000 it is not economically viable for the lawyer, or the client, to pursue it," says David R. Norton, Morgan & Weisbrod, LLP. "Many law firms have gotten out of the medical malpractice business totally."

Norton says limits are being put on malpractice lawsuits around the country even though more than 100,000 people die in America because of hospital negligence.

"Now that would be the same as if everyday of the year two commercial airline jets were colliding in mid-air, in the skies over America, and people were dying," Norton said.

"I knew that they had changed the law and I was displeased when it happened, but *I didn't expect it to come and bite me in my behind but that's what it did,*" Daniel said.

Today a simple task, like talking on the phone, is no longer an option for Sue Gonzales and she believes, because of Texas laws, neither is a lawsuit.

This article represents what could, and would, happen to any of us if insurance lobbyists get their way. "Tort reform" is something that the average citizen, such as Sue, ignores until unfortunate circumstances cause them to experience first hand its devastating effects. You can make a difference. Voice your concerns with

your legislator. Remember:

"Representative government and trial by jury are the heart and lungs of liberty. Without them we have no other fortification against being ridden like horses, fleeced like sheep, worked like cattle, and fed and clothed like swine and hounds" ---John Adams, 1774

WHY INJURED WORKERS HIRE LAWYERS

Ever wonder why injured workers hire attorneys to assist them with their workers' compensation claims? Ask a business owner eager for workers' compensation reform and they will probably tell you that most people hire a lawyer hoping to unfairly increase the value of their claim. However, it appears that nothing could be further from the truth. In fact, according to a story recently published in *Workers' First Watch*, a periodical published by the non-profit organization WILG, increasing the award of compensation has little if anything to do with most injured workers decision to hire a lawyer, although the end result probably results in an

increased recovery. The article listed the top ten reasons for hiring a lawyer as follows:

1. Lack of knowledge of workers' comp laws;
2. Employer ignores the injury or refuses to authorize medical treatment;
3. Temporary disability benefits were not timely paid, or not paid in correct amount;
4. Injury requires long term medical care;
5. Poor treatment by insurance company;
6. Fear of losing their job or already terminated;
7. Poor or inadequate medical care;
8. Other legal issues;
9. Harassment from the employer while on restricted duty;
10. Worker does not know the value of the claim.

RBR ASSISTS IN THE "SOONER STAND DOWN" HELPS HOMELESS, NEEDY VETERANS

Mike Phillips volunteered his time to assist veterans with legal advice during the Sooner Stand Down event held in October. Mike and other Oklahoma attorneys spent the day assisting homeless veterans with various legal problems during the event. Many veterans took advantage of the event to seek free legal advice and other services offered during the event. According to the

Homeless Alliance, 177 veterans attended the first day of the ninth annual event designed to help homeless and needy veterans with social services and health care supplies.

Many veterans are facing hard times as a result of medical issues and the economy. RBR was glad to assist in such a worthwhile program.

DID YOU KNOW?

Insurance companies and large corporations would like for the general public to believe that the concept of punitive damages originated with trial attorneys. Did you know that the concept of punitive damages existed long before insurance companies and the plaintiffs' bar existed? Perhaps the best example of an ancient law of punitive damages is found at Exodus 21:29-30: *But if the ox were to want to push with his horn in time past, and it hath been testified to his owner, and he hath not kept him in, but that he hath killed a man or woman; the ox shall be stoned, and his owner shall also be put to death. If there be laid on him a sum of money, and he shall give forth ransom of his life whatsoever is laid upon him.*

The concept of requiring a wrongdoer to pay a sum of money as punishment to deter him from further like conduct has existed for many decades. The concept of this ancient form of law appears in virtually every state.

Oklahoma's punitive damages statute is found at 23 O.S. §9.1, and corporate lobbyists are constantly pushing for its demise.

Without punitive damage awards there is little incentive for large corporations and insurance companies to stop their wrongful conduct today, just as it was for individuals to do so in ancient times.

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 (and growing) 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.

MEDICAL DEVICE DEBRIS IS GROWING AND IS A EXTREMELY DANGEROUS PROBLEM

The FDA database records show medical device debris (pieces of stents, scalpels, catheters, and other items that end up in patients when the devices break or shift) is becoming a serious problem. Seventy two deaths and 4,675 injuries have been reported since 2003. Experts recommend that medical professionals always make patients aware of debris that may be left in them

and that patients go out of their way to ask doctors about whether it's possible anything could have broken or been left in them after a surgical procedure. *JoNoel Aleccia, Medical Litter: Device Debris Poses Serious Risk, MSNBC.com (June 16, 2008), available at www.msnbc.msn.com.*

RBR RECOGNIZED FOR PROVIDING SINGLE SOLDIER'S BASKETS

RBR was recently recognized by the "Wolf Pack" soldiers of the Hotel Battery, 26th Field Artillery *"for demonstrating unsurmounted motivation, dedication, and untiring efforts toward the pursuit of excellence for the Wolf Pack Battery by providing donations for single soldier's care baskets"*. Of course we were glad to assist those that are preserving our rights here and abroad. Our thoughts are with our brave women and men, and look forward to their speedy return to their families and friends!

HUNTING SEASON COMING TO A CLOSE

Well deer season is coming to a close. I hope that all of our hunters had a safe and enjoyable hunting season. Those of you who want to brag about that special buck, send me a photo (by email) and I will include it in our next newsletter.

HUNGRY?

Easy Chicken Pot Pie

1 can Campbell Condensed Cream of Chicken Soup*; 1 package frozen mixed vegetables, thawed; 1 cup cubed cooked chicken or turkey; 1/2 cup milk; 1 egg; 1 cup all purpose baking mix.

Heat the oven to 400°F. Stir the soup, vegetables and chicken in a 9-inch pie plate. Stir the milk, egg and baking mix in a small bowl. Spread the batter over the chicken mixture. Bake for 30 minutes or until the topping is golden brown.

*Or use Campbell's® Cream of Chicken with Herbs Soup.

Enjoy!

IRS PROBLEMS

The firm recently received a newsletter from Robert Polston who's practice involves settling disputes and tax debts with the IRS. He appears to be very knowledgeable in that regard. If you are unsuccessful in dealing with the IRS regarding a tax issue you may want to contact Mr. Polston at 405-801-2146.