

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.

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

RBR 25TH ANNIVERSARY

The firm celebrates its 25th anniversary this year. We thank all of our former and present clients for recommending us to their family and friends. THANK YOU!

RBR PARTICIPATES AS AN EDUCATION SPONSOR

RBR, through monetary donations, sponsored delivery of newspapers for Oklahoma school classroom students. Our students are the future of this state and we were glad to contribute

WHEN TO TAPE?

A question may arise, when MUST be a party to the conversation, and the taping is not being done to commit a criminal act. If you have questions about taping a conversation, it is always a good idea to speak with an attorney before you actually tape the conversation.

DONATION TO CAMPAIGN FOR JUSTICE

RBR again donated to the Campaign For Justice this year. The donation will be used to help low-income and elderly Oklahomans to embrace the promise that justice is for all. The donation, along with others, will allow Legal Aid Services of Oklahoma, Inc. to make justice a reality for over 20,000.00 Oklahomans in 2009. Without such support many Oklahomans would be unable to obtain legal assistance.

PARTNERS "JUST A THOUGHT"

As you might have heard by now, Gary Jones, the Chairman of the Oklahoma Republican Party, has filed a lawsuit in the District Court of Logan County against 12 different individuals and entities alleging a number of causes of action. Chairman Jones' lawsuit stems from his failed 2002 and 2006 campaigns for the post of State Auditor. Even though he did not receive enough votes to win these elections (and it's unclear whether he would have), Chairman Jones alleges these 12 defendants committed fraud and caused him damages, including mental anguish, emotional distress and punitive damages. Some have called Chairman Jones' lawsuit "frivolous." The Oklahoman even editorialized that both the Chairman of the Republican Party and the Oklahoma courts have "better things to do."

It's somewhat ironic that the Oklahoman would throw stones at Chairman Jones for filing a lawsuit. The Oklahoma Publishing Company or "OPUBCO", the entity which operates and distributes the Oklahoman, certainly has no problem seeking relief in the court system when it feels it has been wronged, which is *precisely* what Chairman Jones did. For example, OPUBCO filed a federal lawsuit last year, alleging punitive damages, against James Conratt, a Nebraska football fan, for publishing a fake internet article. OPUBCO also filed a bad faith lawsuit in 2003 seeking pu-

nitive damages against an insurance company over a disputed claim. Would OPUBCO like Chairman Jones or anyone else to label their lawsuits as frivolous before even hearing the facts?

No matter what your personal beliefs are about the merits of his case, he has the right to have his day in court. We do not know at this time what the facts are that support his case, and tort reformers routinely label everyone else's lawsuit as frivolous, except their own, when they could not possibly know all the facts. Chairman Jones has rights under the U.S. and Oklahoma Constitutions that he should be allowed to exercise. If his lawsuit is eventually deemed by the Court to be frivolous, he will pay dearly, just as any other litigant would, due to the laws already in place to deal with frivolous suits. He has a right to pursue his case.

Unfortunately, the Republican Party, *of which Chairman Jones is the leader*, does not agree. The Republican Party is still talking about tort reform *even though they passed comprehensive tort reform last session!* The hypocrisy is evident: the mantra of the Republican Party is that frivolous lawsuits abound. Indeed, when the Chairman of the Republican Party or OPUBCO speak out in favor of tort reform, it appears that everyone's lawsuits are frivolous, except theirs.

Perhaps those that live in glass houses should not throw stones.

Just a thought. Rick Bisher.

DID YOU KNOW?

I am occasionally told by a client that he or she attempted to obtain a copy of their medical records, however the provider refused to give them a copy. **A MEDICAL PROVIDER CANNOT REFUSE TO PROVIDE A PATIENT WITH A COPY OF HIS/HER MEDICAL CHART**, as long as the copying request complies with the applicable statute.

The applicable statute is 76 O.S. Sec. 19. The statute provides that any person who is or has been a patient of a doctor, hospital, or other medical institution shall be entitled, upon request, to obtain access to the information contained in the patient's medical records, including any x-ray or photograph or image. Upon executing an authorization to release the records the medical provider cannot refuse to provide copies of the requested records upon payment of the copying costs. The cost of each copy to such person or to the legal representative of such person, not including any x-ray or other photograph or image, shall not exceed One Dollar (\$1.00) for the first page and fifty cents (\$0.50) for each subsequent page. The cost of each x-ray or other photograph or image to such person or to the legal representative of such person shall not exceed Five Dollars (\$5.00) or the actual cost of reproduction, whichever is less. The physician, hospital, or other medical professionals and institutions may charge a patient for the actual cost of mailing the patient's requested medical records, but may not charge a fee for searching, retrieving, reviewing, and preparing medical records of the person.

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!!

Pursuant to 76 O.S. Sec. 20, any person refusing to furnish records or information shall be guilty of a misdemeanor. The Oklahoma court Of Appeals has also interpreted the statute so as to allow a private civil cause of action against the medical provider: *"We hold that 76 O.S. §§ 19, 20 imposes a duty such that a breach thereof is compensable in a private right of action."* **Bettis v. Brown 819 P.2d 1381, 1384 (Okl.App.,1991).**

The statute was intended to compel medical care providers to furnish medical records to their patients, plain and simple. If the provider fails to comply with the statute and the patient is damaged by the provider's actions, the patient may bring suit against the medical provider.

HAPPY HOLIDAYS

We at RBR hope that all of you experienced a happy holiday season. The weather was atrocious, but perhaps that caused many of us to stick close to home and enjoy the holidays in a slightly different (but better) way.

We hope the new year brings you nothing but the best.

HUNGRY?

Steak Marinated In Dr. Pepper:

1Steak
2 bottles of Dr. Pepper
1 Tsbll garlic powder
Pinch of black pepper
1Tbl Greek seasoning
1Tbl Creole seasoning

Take Dr. Pepper, garlic powder, black peeper, Greek seasoning, Creole seasoning mix it all together. Then put in on steak (or place in large Ziploc bag or other suitable container along with steak). Refrigerate for 2 1/2 hrs. Then take it out and Outdoor Grill it the way you like it.

BE CAREFUL WHAT YOU ASK FOR, YOU MAY JUST GET IT

In the Introduction to Blocking the Courthouse Door, by Stephanie Mencimer: How the Republican Party and Its Corporate Allies are Taking Away Your Right to Sue, Mencimer tells the story of Frank Cornelius, one of the leading lobbyists in the mid-1970's who helped push through significant changes to Indiana's medical malpractice laws. Among these changes was a hard cap on all damages, including medical bills and lost wages, at \$500,000.00. Pain and suffering awards were *completely* abolished. Later on in his life, in a great twist of irony, Cornelius was the victim of medical malpractice. Thus, he was also a victim of the very laws he pushed through. He injured his knee in 1988, and through a series of subsequent negligent medical treatments, was left wheelchair-bound with *millions* in medical bills.

After Cornelius filed a lawsuit against his doctors, he realized exactly what he had done. Cornelius ultimately was forced to settle his lawsuit for \$500,000.00 because this was the most he was entitled to. ***Cornelius subsequently became a consumer rights activist and fought against tort reform.*** In 1994, he wrote a piece in the *New York Times*, admitting that the law he helped pass was not worth it and that it was a sham. Cornelius eventually committed suicide in 1995 and his suicide note consisted of a letter to the Indiana legislature, who was considering further limitations on lawsuits. The story of Frank Cornelius is one that ***all*** tort reformers should think about very carefully. Most tort reformers do not have a clue about the impact their actions will cause in the future to innocent victims.

They should realize that one must be careful what one asks for because sometimes you get more than what you bargained for. Hopefully, by carefully considering what they are actually pushing for in the legislature, legislators and lobbyists will avoid the karmic effects that Cornelius suffered.