

FOR THE RECORD

Practice Areas:

- ◇ Medical Malpractice
- ◇ Birth Injuries
- ◇ Legal Malpractice
- ◇ Auto Accidents
- ◇ Trucking Accidents
- ◇ Nursing Home Abuse
- ◇ Wrongful Death
- ◇ Premises Liability
- ◇ Workers' Compensation
- ◇ Dangerous Drugs and Devices

"I felt pretty upset about how things had gone for us before I spoke with the attorneys at Bailey & Greer. The lawyers listened to me, believed me, and took a huge weight off of my shoulders the day we first met. I believe I was represented by a very professional and well educated staff. I felt like Bailey & Greer went above and beyond. The firm was very professional, clean cut, well educated and friendly. I would highly recommend this law firm."

S.R. -- Germantown, TN

OPERATING ROOM DANGER: AT LEAST 4,000 PREVENTABLE MISTAKES PER YEAR

Are you facing surgery? Your doctor has probably told you that the risks are low. He or she may have warned you that there is a ten percent chance of infection associated with the procedure, a five percent chance of serious effects like cardiac arrest, and a less than one percent chance of death. But, did your doctor warn you that one out of every 1,500 patients that undergoes surgery experiences injury caused by a completely preventable surgical mistake?

Doctors at John Hopkins Medical School analyzed data from the National Practitioner Data Bank, a federal database of medical-malpractice awards and out-of-court settlements. Between 1990 and 2010, there were 9,744 malpractice payments related to surgical errors. These errors fit into 4 categories:

1. Foreign objects left in the body (4,853 cases)
2. Wrong procedures (2,446 cases)
3. Wrong site surgeries (2,446 cases)
4. Wrong patient surgeries (29 cases)

In the medical profession, these types of medical mistakes are known as "never events" because they are 100 percent preventable and should never occur in a hospital setting.

The doctors found that six percent (585) of

patients died from the mistake, 33 percent (3205) were left permanently injured, and 59 percent (5768) recovered from their injuries. The average surgical malpractice settlement was \$133,055.

While the database listed 4,853 medical



malpractice settlements over a decade, the authors knew from a previous study that only about 12 percent of surgical errors ever result in a settlement. Using this figure, the doctors estimated that approximately 4,082 surgical mistakes actually occur in the United States each year. But according to the authors of this study, even this figure may be low.

The most common medical mistake involves foreign objects such as sponges that are left in the body. These objects often remain undetected until they cause complications. As many as one-third of objects left in the body during surgery are never found.

The study was originally published in the December 2012 issue of the journal *Surgery*.





“I’ve seen cases where dealerships were successfully sued for providing inaccurate CARFAX reports”

For answers to more frequently asked questions visit our website www.baileygreer.com

Q. I’VE HEARD THAT SOME USED CARS HAVE MISSING AIRBAGS AND OTHER DAMAGE THAT COULD MAKE THE VEHICLE UNSAFE. HOW CAN I TELL?



By Thomas Greer

A used car can be a great deal, but there are also plenty of dangerous used cars for sale. I’m handling a case right now where my client was seriously injured in a wreck because, unbeknownst to him, the airbag had been removed from his used car. Here is my advice:

First, do not place all your trust in companies like CARFAX. Sure, this is a good starting point, but I’ve seen cases where dealerships were successfully sued for providing inaccurate CARFAX reports. Also, many people in the industry agree that CARFAX reports are not 100% accurate.

I suggest that you have a trusted mechanic check out the car that you’re hoping to buy. But, before you spend your money on a mechanic, here are three signs that a used car is not a good deal.

1. **The seller doesn’t have repair records.** If the person selling the vehicle doesn’t have repair records, you should assume that the car has either not had regular service or was not owned by the seller.
2. **There are obvious signs of neglect.** A per-

son whose car has dings, dents, carpet stains and musty odors probably cares as little about the mechanical condition of the vehicle as he does about the exterior.

3. **The car is a high performance car.** People who buy performance vehicles are interested in what they can do. These vehicles are driven hard which means extra stress on the engine and suspension.

When you take the car to your mechanic, he or she should:

1. **Check the oil and transmission fluid.** Checking the oil is a good way to see if a car has been well-maintained. Old oil is black and feels gritty. Transmission fluid that needs changing is dark brown color and has a burnt odor.
2. **Check the coolant.** Your mechanic should check the coolant for debris that may indicate a lack of maintenance.
3. **Check for accident damage.** A car that has been in an accident should have a reduced price. If there are signs of a prior accident, your mechanic should check that the vehicle is safe and that the airbags are in good condition.

Stay Safe: Be Prepared for Winter Driving

If at all possible, simply avoid driving when the roads are icy or snowy. Even if you are a careful and experienced driver, others on the road may not be so cautious. If you have to drive, you can reduce your chances of being injured in a winter weather accident by being prepared. Here are some tips for winter weather driving:

We don’t get a lot of snow in Tennessee and other southern states, so chances are that it’s been a while since you’ve driven on icy roads. Start with a short trip and give yourself time to get used to handling your car in winter weather.

Winter vehicle maintenance

- Get your heating and cooling systems checked

- Replace worn windshield wipers
- Fill your wiper fluid
- Get your battery checked

Follow these steps when winter weather strikes:

- Before bad weather hits, check your tires. Make sure they are properly inflated and have at least 1/16 of an inch of tread.
- If you know bad weather is coming, fill up your gas tank.
- Check the weather forecast and road conditions before you travel. If a winter storm is predicted, consider rescheduling your trip.

- Always bring your cell phone when travelling in winter weather.
- Make sure someone knows you will be traveling.
- If you must travel during a winter storm, make sure you have winter essentials. You will need an ice scraper, snow-brush, small shovel, broom, warm blankets, sand or cat litter, and jumper cables in your car. It is also a good idea to bring extra layers, gloves, snacks and water.
- Reduce your speed and increase your following distance.
- Allow extra time to reach your destination.

THE TRUTH ABOUT DRIVINGWHILE DROWSY



By Sadler Bailey

We all know that texting and driving is unsafe and irresponsible, which explains why we are constantly reminded on radio, TV, billboards and the web that “One Text or Call Could Wreck it All” and to “Stop the Texts. Stop the Wrecks.”

According to a new report released by the Centers for Disease Control and Prevention (“CDC”), another trend has emerged that was responsible for an estimated 30,000 automobile crashes in 2009, but that has yet to generate any catchy slogans or attention-grabbing YouTube videos. Drowsy driving.

The CDC found that 4.2% of 147,076 respondents had fallen asleep behind the wheel at least once during the previous 30 days. Data showed that men were more likely to report drowsy driving than women. It is no surprise that reports of falling asleep while driving were more common among respondents who reported sleeping less than six hours per night or unintentionally falling asleep during the day. Interestingly, the study also revealed that self-reported snoring is a contributing factor to drowsy driving.

“Drowsy driving is a serious risk to personal health and public safety, and snoring is an important warning sign that should not be ignored,” said American Academy of Sleep Medicine (“AASM”) President Dr. Sam Fleishman. “Loud and frequent snoring is a common symptom of obstructive sleep apnea, a sleep illness that often causes excessive daytime sleepiness.”

The report noted that the actual rate of drowsy driving probably is even higher for a number of reasons. First, data showed that drivers are often unaware that they have fallen asleep while driving. In addition, the study was limited to adults in 19 states and the District of Colum-

bia; Tennessee was not included. Also, drivers under the age of 18, who analysts say have a high risk of drowsy driving, were excluded from the study. The AAA Foundation for Traffic Safety estimates that more than 16% of fatal crashes involve a drowsy driver.

Tips on How to Prevent Falling Asleep at the Wheel

The CDC says the best way to prevent falling asleep at the wheel in Tennessee is to recognize and address the conditions that lead to sleepiness. Drivers most susceptible to falling asleep while driving are:

- Commercial drivers
- Persons who work long shifts or the night shift
- Drivers with untreated sleep disorders
- Drivers who use sedating medications and anyone who does not get enough sleep

The CDC cautions that once on the road, it is important to recognize the symptoms of drowsiness and act appropriately. Warning signs of drowsy driving include:

- Frequent yawning or blinking
- Difficulty remembering the past few miles driven
- Missing exits
- Drifting from one's lane, or
- Hitting a rumble strip.

The NHTSA says turning up the radio, opening the window, or turning up the air conditioner, have not been found to be effective techniques to stay awake while driving. “The only safe thing for drivers to do if they start to feel tired while driving is to get off the road and rest until no longer drowsy,” says the CDC.



Tennessee Worker's Rights in Danger

A battle over Tennessee workers compensation law is expected to be at the top of the agenda for the Republican controlled General Assembly in 2013.

The law was substantially revamped in 2005 to give employers more protections and less exposure to lawsuits. Now the insurance industry and GOP leaders are insisting on still more changes, which give less benefits and recourse to ordinary Tennesseans

If you would like more information on this important issue, please visit:
www.protecttnworkers.com

Attention: Current and Former Clients

We need your help! If we provided a valuable service to you and your family, please take a few minutes to provide an online review. You don't have to mention any details about your case. Just visit:

www.baileygreer.com/reviews

Bailey & Greer
6256 Poplar Avenue
Memphis, TN 38119



BAILEY & GREER

6256 Poplar Avenue
Memphis, TN 38119
Phone: (901) 680-9777
Fax: (901) 680-0580
www.baileygreer.com

The greatest compliment we can receive is the referral of a friend or family member

FIRM INFORMATION

At Bailey & Greer, we take only a limited number of serious injury, wrongful death, and professional malpractice cases. While some law firms work to settle, we work to get the best possible result for you. We have the experience, expertise and financial resources to carry each and every case to trial. We have been involved in numerous multi-million dollar verdicts and settlements, including birth injury, medical malpractice, auto accident, product liability, and premises liability cases.

When you choose us as your attorneys, you will always be able to speak to a lawyer and you will always be treated as a person, not just a case. In addition to our attorneys, we are also proud of our courteous, knowledgeable office team, which includes a full-time nurse.

INSIDE THIS ISSUE:

<i>Operating Room Danger: 4,00 Preventable Mistakes Per Year</i>	1
<i>Q. I've heard that some used cars have missing airbags and other damage that could make the vehicle unsafe. How can I tell?</i>	2
<i>Stay Safe: Be Prepared for Winter Driving</i>	2
<i>The Truth About Driving While Drowsy</i>	3
<i>Firm Information</i>	4