

NEW YORK INJURY TIMES



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IN THIS MONTH'S EDITION:

**INJURED? TRY TO HIT
THE JACKPOT!**

**HEALTH CARE REFORM:
IS MEDICAL
MALPRACTICE NEXT?**

GERRY'S TRIVIA GAME

**A RETURN OF GERRY'S
NEVER-ENDING
(FICTIONAL) STORY**

*Photos of wildlife on
Sanibel Island*

Lawsuit Lottery Jackpot!



“Step right up. Just sign your name we’ll enter you into the lawsuit lottery jackpot. Injured in a car accident? Step right up. Injured during surgery? Step right up? Killed by a stray bullet? Step right in. Did you fall and break your leg? No problem, just step right in to our lawsuit lottery jackpot where you’ll have a chance to win millions and live on easy street for the rest of your life. That’s right folks. You too can be a winner in the lawsuit lottery jackpot.” (Carnival music is playing in the background)

“What do I have to do to enter?” asked a curious onlooker.

“Simple,” said the man in front of the tent. “First you have to stand in the street and get hit by that Mack truck over there. Then, you have to make sure the tires run over your legs. Oh yes, make sure the truck is loaded with equipment so the total weight of the truck is about 40,000 pounds. Then, when the truck has finished running over you, make sure you’re still conscious so you feel the excruciating pain of having your legs crushed to a pulp. Then, when you’re bleeding to death, make sure you go into cardiac arrest and are revived by the paramedics.”

“I forgot to tell you...when you get to the hospital, make sure that the trauma surgeons amputate your legs from below your waist because there is no usable skin, bones, veins or arteries to use to reconstruct your legs.

continued on next page

continued from page 1

Remember, they were in a pulp, and are now useless to you."

The onlooker stood there gawking with his mouth wide open but no sound coming out.

"But wait!" said the man, continuing his talk.

"After the surgeons cut off both of your legs, you must remain in the hospital for two months recuperating, then learning how to get around on a wheelchair, which we'll give you, absolutely free, for the rest of your life."

"But what about all the activities I could do before, like play baseball, swimming, skiing and riding my bicycle?" asked the onlooker.

"Ah that," said the man with some hesitation. "You see, all those activities, you have to give them all up. You're now officially a 'permanently disabled cripple'. You can't go around doing those great activities that you used to do once we've labeled you a cripple. I mean, what would your neighbors think if we said you're a handicapped man and they saw you playing basketball or changing a tire on your car? Sorry, that just wouldn't work."

The onlooker was white as a ghost. He didn't know what to say.

"Hey kid, not to worry, if you win this jackpot, you'll be on easy street forever!" said the knowledgeable man with the handlebar mustache and the straw hat and the organ music playing in the background.

"But, how do I get that jackpot?" asked the young man with some trepidation.

"Simple. Just find a lawyer who handles these types of cases. Then file a lawsuit in New York...but you'll have to hurry because you don't want to have your case thrown out if it's not timely. Did you know that you don't even have to pay a single penny to start your lawsuit? How great is that? Your lawyer does that for you. Isn't our justice system great?"

Well, anyway, as I was saying, all you have to do is talk to your lawyer and after about six months, you'll go into his office and talk to some other stuffy lawyers who will ask you lots of questions about what happened to you and what you can't do now. That's it. You don't have to show up again until trial."

"Trial?" asked the young man. "Why trial?"

"Well, without going to trial you can't get an outrageous verdict that will blow the lid off all other verdicts in the past. Otherwise, your lawyer might just settle your case early to get you chump change," said the hawk with a straight face.

"How will going to trial get me into the lawsuit lottery jackpot?" the onlooker asked with some interest.

The reply was amazing.

"That's how you actually enter the drawing contest. See...going to trial is a crapshoot. Even if you have a good case a jury may send you home with little or no money. Why? Who knows- it's a total crapshoot. But if you have a really good attorney who inflames the jury and shows them gory, bloody pictures of you at the accident scene, they'll get really angry with the truck driver and his company and want to sock it to them hard.

That's the part of the crapshoot that gets you your millions. Well, almost," the man said.

"Tell me more," said the onlooker.

"If the jury really hates the trucker who caused your accident, they award you millions and millions of dollars."

"And that's it? You mean I leave the court house with buckets full of money?" asked the eager onlooker, getting that hungry look in his eye.

"Ah, no, not exactly," came the reply.

"You see, the defense will argue to the trial judge that the award was outrageous and must be reduced. Even if the trial judge agrees and reduces your award, the defense will still not be happy. Then, they'll argue to a higher court that the award is so outrageous that it shocks the conscious of the court."

"Then do I get the buckets of money you told me about?" asked the oblivious onlooker.

"Ah, no, not exactly," came the reply.

"The higher court can do one of four things:

1. They can throw out your verdict,
2. They can reduce it,
3. They can increase it, or
4. They can send you back for a new trial.

You see, that's also part of the crapshoot. You just never know what you're going to wind up with."

"I'll still take my chances," said the dazed onlooker.

"In that case," the straw man replied, "you should know that there's a chance you'll get nothing."

"How can I live on easy street with my injuries if I get nothing?" he asked incredulously.

"Well, you can't. You'd have to go on welfare and on disability, and you'd probably be homeless, but hey, you gave it your best shot. That's what a lottery is all about, most will lose and only a few will win. You'll still have your free wheelchair!"

"Thanks for stopping by," said the man with the handlebar mustache. "If you want more information, just step right in..."

Health Care Reform Is Medical Malpractice Next?



I read an article today in Newsday by an 'activist' that suggested the reason health care costs are so high are because of medical malpractice lawsuits. I will tell you that such a statement is totally false. Why do I say this?

Because there have been studies that show specifically that the two primary reasons health care and medical malpractice costs are so high are: (1) The insurance companies inability to properly plan for and realize significant profit during a down-turn economy, and (2) Private health insurance companies and their profits.

This activist was so radical in her beliefs that she actually suggested that limiting an injured victims' rights will reduce the cost of health care. She made no mention of compensating an injured victim by the wrongdoer. I am amazed every time I hear such radical comments and here's why:

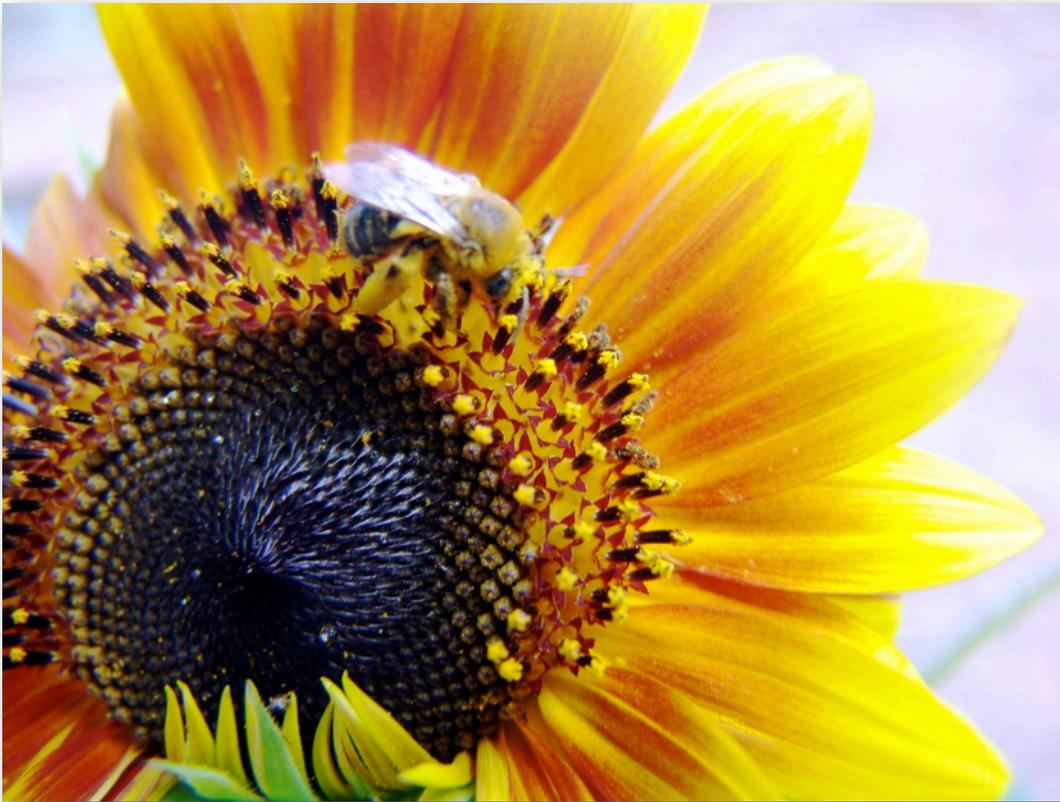
Let's say you own a Picasso painting that is valued at \$10 Million dollars. Let's say that through some carelessness of a painter doing work in your home that painting is destroyed-he accidentally spilled a bucket of paint all over that nice painting. The value of the painting is \$10 million dollars and must be repaid. Luckily for you, you have an insurance policy that insured the painting. Do you think it would be fair if a group of 'activists' said, "We don't care what the value of your valuable paintings were, you should only be able to recover a maximum of \$500,000 for your damaged painting."

Let's see if that's fair. Maybe you paid a few million dollars for your precious painting. Let's say that painting's value increased over the years and now a buyer wanted to pay you \$10 Million dollars for it. Before you had a chance to agree to the transaction, your painting is destroyed and now the maximum you can recover for your damages is \$500,000. That doesn't sound right to me. Does it sound right to you?

These 'activists' believe that by limiting the amount of money that a medical malpractice insurance company pays to an injured victim, it will reduce the amount of money we all pay in health insurance premiums. To be blunt- that's nonsense.

Insurance companies are in business to generate profit and make money for their shareholders. When CEO's of health insurance companies are raking in millions of dollars a year in salary while thousands of people are uninsured, there's a significant disparity that should not be ignored.

The next time you talk to someone with 'activist' views, ask them about their Picasso painting and how they would feel if it was destroyed and could only recover a minimal arbitrary amount. I guarantee you that they won't have the same viewpoint after that.



In this picture to the left, I captured this bee hunting for pollen in a sunflower outside our home.

In order to take this picture I had to get so close to the flower that the camera lens was literally about 2 inches from the bee. I used a 'macro' setting in order for the lens to properly focus such a close-up picture.



The shells in the picture above were all picked by my wife and daughters. They're from Sanibel Island in Florida. The night before we left, my wife and daughters spent hours cleaning out all the shells to make sure there's no living thing left inside. There have been plenty of times when I heard shrieks coming from the kitchen while cleaning shells.

What did they find inside? Crabs, and the occasional squid. Not to worry, they are collected and returned to the ocean.

Getting the shells back home are sometimes a challenge. On one vacation I had to actually buy another suitcase to transport the shells home!



An iguana on the steps leading to our hotel. By the way, my 7 year old took the pictures on this page. He got hold of my camera, and decided he was going to be the photographer this trip.

An alligator lurking in a pond near our hotel, waiting for lunch I suppose.



This is the view from the Bayside Grill restaurant on Captiva Island, adjacent to Sanibel Island.



A dolphin swimming by our hotel. Yes, it's a dolphin and not a shark. It kept coming up for air.



The Yankees at bat at the new stadium. What do you think? A hit or a strike?

G R E A T G I F T I D E A - S E N D A B O O K !

Know someone who would benefit from learning how medical malpractice lawsuits in New York work? Send me an email and I'll gladly send my book **DOCTORS GONE WILD** to them with a note letting them know that you were thinking of them. You can send me a note to lawmed10@yahoo.com. They'll thank you for your thoughtfulness and so will I.

GERRY'S TRIVIA GAME

TEST YOUR LEGAL KNOWLEDGE

1. A lawyer in New York is also known as a barrister. TRUE OR FALSE?
2. If you're involved in a car accident in New York, you have only 30 days to file a No-Fault claim. TRUE OR FALSE?
3. The Surrogate's Court is used when a surrogate mother is needed for a pregnancy. TRUE OR FALSE?
4. In the Court of Claims (Claims against the State of New York,) there are jury trials. TRUE OR FALSE?
5. Jurors can now use Twitter and post updates on Facebook during a trial. TRUE OR FALSE?
6. Jurors are permitted to talk to other jurors on their case about the facts of the case during their breaks. TRUE OR FALSE?
7. The cost to purchase an index # in the Court clerk's office, to start your lawsuit is almost \$300. TRUE OR FALSE?
8. A lawsuit against a doctor in NY will result in the revocation of his license to practice medicine. TRUE OR FALSE?
9. A doctor must be board certified in order to practice medicine in the State of New York. TRUE OR FALSE?
10. A bad outcome in a surgery automatically means that you have a valid basis to bring a lawsuit. TRUE OR FALSE?

BONUS: Every trial lawyer can handle an appeal. T or F?

GERRY'S NEVER-ENDING FICTIONAL STORY

continued from Back page

When Jimmy shook the Russian ambassador's hand, he knew the ambassador was a heavy smoker and a lifelong alcoholic. He also knew he'd live for another 8 years.

For some unexplained reason, the head of the Russian secret service refused to shake Jimmy's hand. Hillary's hand, yes. His, no. No matter how much the two drank, Jimmy could not get him to shake his hand.

Jimmy began to wonder if his secret of being able to predict when someone would die had travelled across the world to the head of this secretive agency. Or maybe, he just didn't like Jimmy. Then again, maybe it was his fear of catching swine flu. If so, why would he shake hands with Hillary?

"That's fine," Jimmy thought. He's not my objective. The president is. They were scheduled to meet the president the next evening at a gala dinner honoring the president of France.

The next night, Hillary and Jimmy appeared in a full length gown and a tuxedo. Yes, Jimmy was wearing a red beaded gown with lace trim, and Hillary was wearing a tuxedo. Not really,

just kidding- but it's an interesting visual, isn't it?

This would be a piece of cake, thought Jimmy. They were directed to the receiving line where the president of France was, together with the President of Russia.

Hillary greeted the French president with a quick 'Long Island' air kiss and a French comical quote. The Frenchman burst out laughing. The Russian president had no clue what was just said since he spoke no French. Hillary then greeted the Russian president with a great big bear hug.

Jimmy greeted the French president with a handshake which was eagerly accepted and then wiped off inconspicuously by the French president who whispered to his aide in French "What a wet handshake, Mon Dieu!"

Jimmy then extended his hand to shake the Russian president's hand, but before the man had a chance to extend his hand in a similar gesture, the head of the Russian secret service awkwardly intervened and positioned himself directly in front of Jimmy, taking Jimmy's arm and suggested they go for a walk.

Hillary didn't even see the missed handshake, as she had turned away only a second before.

Till next time...stay tuned.

GERRY'S NEVER-ENDING FICTIONAL STORY

Jimmy's next mission was to accompany the Secretary of State, Hillary Clinton, on a trip to Russia. The public was told this was a human rights trip to explore working conditions in Russia. That was the cover story.

There were two real missions here: The first was to address the Iranian nuclear problem. The second, was to get Jimmy to find out when the Russian president was going to die. Just shake hands and get that information back to Washington immediately.

The United States was well aware that Russia has been financing Iran and their nuclear program for many years. Israel was formulating their military options to destroy Iran's nuclear plans, as they did in Iraq with the destruction of the Osirak nuclear reactor, and as they most likely did in Syria recently.

In an attempt to prevent a dramatic shift in the nuclear arms race in the Mideast, full-blown efforts were now being made to place extreme pressure on Iran's guardians.

The next time we see Hillary and Jimmy, they're inside the Russian Tea room in Red Square having a vodka with the Russian ambassador to the United States and the head of the Russian secret service. Jimmy is introduced to the Russians as Hillary's consigliere; her aide. Hillary is introduced as Madame Secretary.

CONTINUED INSIDE!

Give this newsletter to your best friend.
They'll thank you for it, and so will I.

Answers to Trivia Game: 1. False, 2. True, 3. False, 4. False, 5. False, 6. False, 7. True, 8. False, 9. False, 10. False BONUS: False

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