

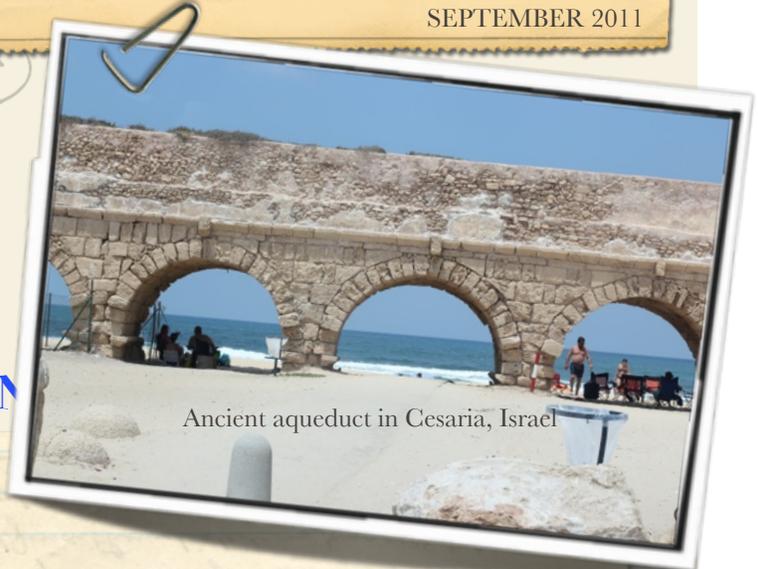
New York Medical Malpractice Attorney Gerry Oginski presents

NY INJURY TIMES

SEPTEMBER 2011

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- MED MAL-WHAT'S IN THE NEWS?
- GERRY'S NEVER ENDING STORY
- NEW TRIVIA GAME
- PHOTO GALLERY-ISRAEL EDITION



Law Schools don't teach lawyers how to practice law. Law firms do.

Here is my question: Who teaches the public about the law? In all likelihood, they get their ideas about the existing law based upon TV, movies, and articles that appear in the newspaper. Unfortunately, that's not a very good way to gain a true education about how the law works, especially if you have legal questions.

Did you know that every state has their own laws governing personal injury and medical malpractice cases? Every state has their own time limits in which injured victims have to bring a lawsuit or risk being prevented from ever bringing a lawsuit.

Law students are often surprised to learn that their law schools will often not prepare them to take the bar exam in order to become qualified to practice law in that state. *continued on page 5*



Joseph giving David a lift during our summer tour of Israel. A fascinating place where history of the world comes alive.



Joseph, Shari & Mia playing around in Rosh Pinna, Northern Israel



In the Negev Desert, near a huge crater called Mitzpeh Ramon. 10 feet behind is a huge sheer cliff.

Medical Malpractice: Does Teamwork Cause or Contribute to It?

A piece in the NY Times questions a long-held assumption that physician fatigue contributes to medical error. Instead, the article advances the theory that the makeup of an operating team determines its efficacy.

The former theory has reigned over much conversation among the health community for over a decade. In 2003, a law was passed prohibiting doctors-in-training from working over 80 hours per week. That law arose from the Libby Zion case involving doctors-in-training who were working in excess of 80 hours per week and found to have fatigue contributing to

patient errors. Hospitals have since focused on improving their doctors' lifestyles.

However, transplant surgeons have to be on call round the clock, as determined by a donor's time of death. Kidney and liver transplants have recently been studied. The results have determined that late-night transplants leave greater adverse effects upon patients than do those during the day. This therefore supports the fatigue theory.

On the other hand, a report published this week in the Journal of the American Medical Association conducted a more comprehensive study. As opposed to surveying just one institution as the former two studies did, this one investigated each of the nearly 30,000 chest (heart and lungs) transplants in the United States over the past decade.

Surprisingly, equal results were found when comparing late-night chest transplants to mid-day

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JIMMY CHANGA IS GIVEN A NEW ASSIGNMENT

When Jimmy returned to the White House he was met by the president in a secret ceremony who awarded him the Presidential medal of freedom, the nation's highest civilian honor. He was thrilled with the award but was quickly told that he could never remove it from the White House and never tell anybody about it.

It was time to get back to work, the President suggested. The next mission would be coming shortly and would come from the new Defense Secretary, Leon "Chew on this" Panetta.

The following day, Jimmy was told to bring his Cap'n Crunch secret decoder ring to the White House basement and only after confirming its authenticity, would he be allowed into the inner chamber with the defense secretary. He brought his trusty ring with him and was immediately permitted entry. The Defense Secretary, the CIA director and the national security director were all waiting for him. When Jimmy shook hands with the Defense Secretary, he knew immediately that this man had 12 more years to live.

"Jimmy, we are proud of your service to your country. You've done a remarkable job and achieved a distinction very few military commanders have ever achieved." Jimmy knew bull crap when he heard it, and they were laying it on pretty thick. He stopped the defense secretary in mid-sentence with an open palm up in the air.

"Just tell me what the mission is," demanded Jimmy.

"As you know, this mission is not only top-secret, but only three people in the United States will know the true nature of this mission. You are looking at all three of those people.

Your next mission is so sensitive and potentially destructive to the fabric of this country that we need this carried out with the utmost discretion in the quickest timeframe possible.

Your job Jimmy Changa, is to find out when the GOP Republican candidates will meet their maker. Since your image is now known to many in the political community, it is necessary to create a disguise for you that will prevent you from easily being detected when we introduce you to these various politicians who will be running for president.

We have enlisted the help of some very talented Hollywood production folks to create different images for you. They think it's for a YouTube video we're producing about the White House.

Do not be surprised if one day you look like a well known movie star, and the next you look like a beggar without a penny in your pocket. Do not be surprised if one day you bear a striking resemblance to a high-ranking politician in United States government, and the next you look like a female hooker.

You will have input into your disguise and it will vary depending upon who you are meeting and where you're meeting that person.

Jimmy had just one question: "*Isn't this illegal?*"

Join me next month when we continue to follow Jimmy's antics in my never ending fictional story.



Golan Heights, Israel



In the Negev Desert, Israel



Hiking through Jordan River



Our hotel in the Negev Desert. Truly magnificent and a highlight of our stay in Israel.

HEART ATTACKS NOW TREATED MUCH FASTER

An encouraging new study shows that hospitals are now treating major heart attacks within 90 minutes of arrival, the time recommended by experts.

Heart attacks occur when clogged arteries prevent blood and oxygen from reaching the heart. A major heart attack -- one that involves a major artery -- affects 250,000 Americans annually and 3 million people worldwide. The preferred remedy is an angioplasty, which is the insertion of a tube into the artery. A balloon at the end of the tube is then inflated to flatten what clogs the artery and a stent or mesh is placed to prop the artery open thereafter. The amount of time it takes from hospital arrival to the angioplasty procedure is known as "door-to-balloon" time, and is recommended to be no longer than 90 minutes. A delay of a half hour raises the risk of death by 42%.

In 2005, the median door-to-balloon time was 96 minutes. Last year, the median time was cut to 64 minutes, according to a study published this week in the American Heart Association's journal, *Circulation*. These figures mean that fewer than half the heart attack patients five years ago had their arteries unclogged within the time it takes for almost all patients today.

Newsday tells several anecdotes about "warp speed" operating rooms, particularly the one at Yale-New Haven Hospital, which took one patient last month

within 16 minutes and another last week within 26 minutes. Doctors thank research, which pointed to the importance of shorter waiting times, as the major reason for this sea of change in emergency room procedures.

It is encouraging to learn that hospitals recognize the need for speed when treating patients with life-threatening cardiac illnesses.

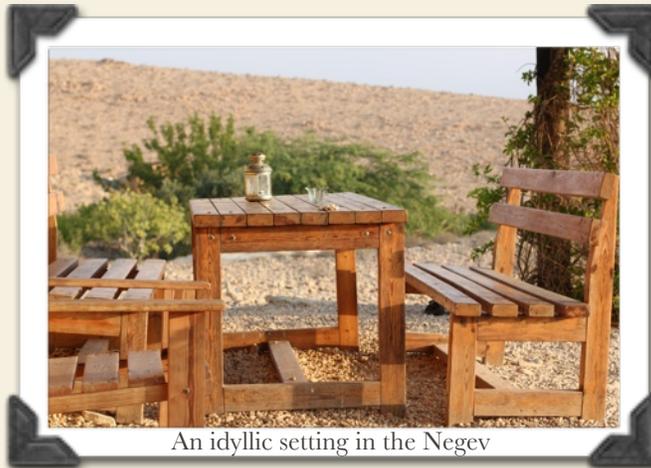
1 OUT OF 7 MEDICARE PATIENTS HARMED IN HOSPITAL

Newsday reported about a new report confirming that 1 out of 7 Medicare patients suffer injury in hospitals. That is an astounding number.

Medicare's new chief has called for improving patient safety following that report. In fact, the article reported that 15,000 people per month suffered a complication that contributed to their death, according to the inspector general of the Department of Health and Human Services.

This stunning statistic is not new. In fact, only ten years ago, the Institute of Medicine warned that up to 98,000 people a year die from medical malpractice. The report confirmed that hospitals are dangerous, especially since infections run rampant and there are always opportunities for errors, omissions from communication mistakes and inexperienced health care doctors, nurses and technicians.

The inspector general's report described that



An idyllic setting in the Negev

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1 OUT OF 7 MEDICARE PATIENTS HARMED IN HOSPITAL

...134,000 Medicare patients suffered at least one adverse event while in a hospital. Here's a key statistic from that report: 44% of those errors and mistakes were preventable. Unbelievable.

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MEDICAL MALPRACTICE: DOES TEAMWORK CAUSE OR CONTRIBUTE TO IT?

...chest transplants. Upon closer examination, the study noted that most of the teams at night and during the day

consisted of the same surgical team. After all, chest transplant surgeons are in short supply and they tended to handle other, non-transplant operations during regular hours. Many surgeons keep the same specialized assistants around for non-transplant duties.

Therefore, if a specialized team is gathered for other operations like they normally are for cardiothoracic operations, then the incidence of medical error will not necessarily depend on fatigue.

LAW SCHOOLS DON'T TEACH LAWYERS HOW TO PRACTICE LAW. LAW FIRMS DO.

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How then is the public supposed to learn about what rules apply? The reality is that lawyers are supposed to educate the public and consumers. However, there is no real outlet for them to do this other than public seminars and continuing legal education classes.

I am a strong proponent that every lawyer should be educating their consumers and the public through the use of online video. It gives the public an education about how lawsuits and the law works and takes the time to educate you and gives you information you need to know.



Joseph going for a dip in natural springs; Israel



Mia & David playing at the Mamila mall in Jerusalem



Former Syrian fortifications overlooking Golan Heights, Northern Israel



7 people packing "light"



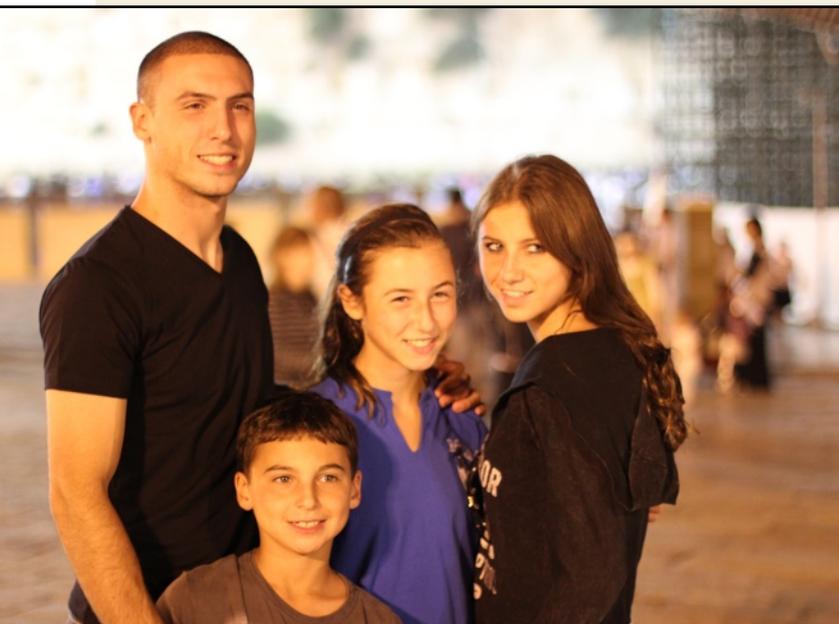
Joseph praying at the Western Wall



An ordinary sight in Israel. Comforting actually.



The Western Wall, viewed through the arch near the underground tunnels.



At night, at the Wailing Wall in Jerusalem



David taking the camel for a walk in the Negev desert

Gerry's Trivia Game

TEST YOUR KNOWLEDGE OF NEW YORK LAW

TRUE OR FALSE?

1. International law question: In Israel, there are caps on pain and suffering in a personal injury lawsuit.
2. International law question: In Israel, a personal injury trial is held only before a judge and not a jury.
3. Proximate cause means something that is nearby.
4. Hearsay is an objection a lawyer makes when he has no other objections left in his brief bag.
5. An 'excited utterance' is never allowed into evidence in a civil lawsuit.
6. In order to prove a medical malpractice case here in NY, we must show that there was a 'departure from good care'.
7. A 'substantial factor in causing injury' is the same thing as 'proximate cause'.

8. When cross-examining a medical expert, you must never ask leading questions.
9. An economist is often called upon to testify about how the value of money changes over time.
10. A vocational rehabilitation expert is called to testify about the physical rehab the injured victim went through and how they handled it.

BONUS QUESTION

When you are sent for an "Independent Medical Examination" by the defense, that physician is considered your treating doctor and you can and should rely on any medical advice he or she gives you.

Answers are on the back page:



Righteous Among The Nations; Israel's highest award for Gentiles who saved Jews during WWII. Inscription at Yad Vashem, Holocaust Memorial in Israel. Jozef & Stefania Macugowski saved my mother and her entire family, 11 people hidden in an underground bunker for 2 1/2 years.



At night, at the Wailing Wall in Jerusalem

NEW YORK INJURY TIMES



David, 9, finds a piece of jewelry during a real archeological dig in Israel. The find is believed to be 2100 years old.



HAVE LEGAL QUESTIONS?

Call me: 516-487-8207

or email me: LAWMED10@YAHOO.COM

I WELCOME YOUR CALL!

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

----- *Answers to Trivia Game* -----

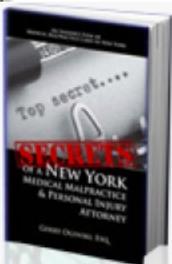
1. True, 2. True, 3. False, 4. False, 5. False, 6. True, 7. True, 8. False, 9. True, 10. False,
BONUS: False

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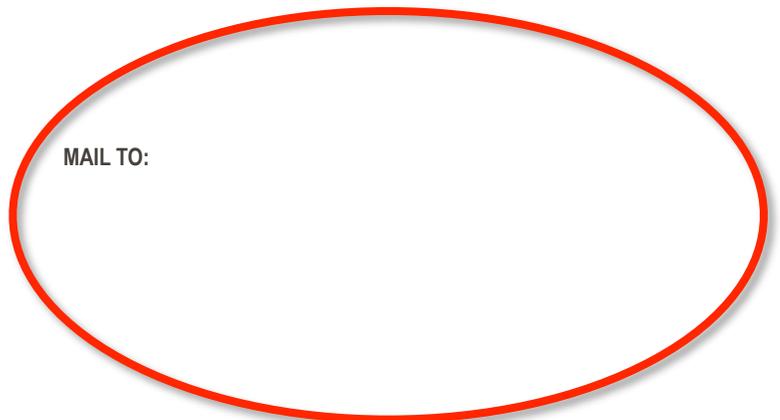
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