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# THE LEGAL EDGE

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TRIAL & APPELLATE ATTORNEYS

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## FIRM NEWS

### THE DEVASTATING CONSEQUENCES WHEN YOUR DOCTOR "GOES BARE"

As hard as it is to believe, doctors in Florida are not required to carry medical malpractice insurance. When a doctor does not carry insurance, he/she is "going bare." Some doctors believe that not carrying insurance protects he or her from being sued. In actuality, many bare doctors are sued and either pay a judgment out of their pocket or file bankruptcy. The victim of the malpractice generally is not fairly compensated for his or her injury.

Clark Fountain just settled a case against a vascular surgeon who cut the patient's wrong vein. The client almost bled to death. Fortunately another vascular surgeon stepped in and saved the patient's life, however she will face major health problems for the rest of her life. The uninsured doctor settled the claim out of his personal finances.

### FIRM UTILIZES KEY EXPERT TESTIMONY TO SETTLE SPINAL CORD CASE

Mark Clark and Christa McCann recently reached a confidential settlement after three days of trial for injuries to a client involved in a collision on I-95. Throughout the litigation and trial, the defendants vigorously contested that the client's injuries were caused by collision. At trial, Clark and McCann sought damages for the client's past and future medical expenses and pain and suffering as the client was required to undergo spinal surgery to his cervical and lumbar spine. The defense relied on the opinions of Dr. Brodner (neurosurgeon) and Dr. Glickstein (radiologist) to argue that the client's injuries were pre-existing and degenerative in nature, and that there was no permanent injury as a result of the accident.

Nonetheless, Clark and McCann were able to establish through the testimony of the client's treating physicians as well as the defense's own experts that the client had no history of pain or treatment to his spine prior to the collision, and that the collision activated his pre-existing conditions, making them symptomatic and painful. As a result, the defendants agreed to settle the case during trial, after the conclusion of the Plaintiff's case in chief.

## LATEST BLOG POSTS

### DID YOU KNOW CHLORINE GAS IS AN UNREGULATED INDUSTRY?

Poorad Razavi and Don Fountain recently obtained a confidential settlement on behalf of their client whose husband died from exposure to chlorine gas at work. The suit was initially based on the employer's negligence and strict liability; however, the claim evolved to also include the franchisor of the employer, who was responsible for training the employer and employees. For more information on this case and others, as well as general information on the dangers of chlorine gas, read the full blog post [here](#).

## LEGAL INSIGHTS

### STRINGENT AUTO RECALLS ARE "NEW NORMAL"

As of early August, U.S. automakers and other vehicle manufacturers overseen by the National Highway Traffic Safety Administration have recalled more than 32.4 million vehicles this year, according to [Detroit News](#). Sean Kane, president of Safety Research and Strategies, said NHTSA's aggressive posture is prompting carmakers to move faster. Kane also explains that the average age of vehicles has hit a new record to more than 11 years. "As the complexity level of vehicles rises and you have vehicles driven for 11 years in harsh environments with 60 million lines of code, you expect you are going to see issues."

### ARTIFICIALLY INTELLIGENT ATTORNEY NO LONGER SCI-FI FANTASY

According to the [ABA Journal](#), several major U.S. law firms — including Dentons — have agreed to train Ross, an artificially intelligent attorney developed by students at the University of Toronto. Ross uses IBM's Watson computer to scan documents and case law, as well as answer legal research questions. While Ross won't be able to handle complex legal problems, it will be able to perform routine legal research tasks.



### FLORIDA LAWYERS ASK HIGH COURT TO RECONSIDER LEGAL-AID RULING

Attorneys across Florida are urging the state's top court to reconsider a decision that gutted efforts to raise money for needy Floridians seeking legal help, according to the [Orlando Sentinel](#). Recently, the Florida Supreme Court decided not to authorize a \$100 increase in Bar fees to fund legal aid groups. Miami lawyer and former Supreme Court Justice Raoul Cantero filed a motion for rehearing.

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## COURT REJECTS LAW ON PAYMENTS TO PRIVATE HOSPITALS

An appeals court recently ruled that part of a 2003 state law directing Sarasota County to reimburse private hospitals for indigent care is unconstitutional, according to **Health News Florida**. A three-judge panel of the 2nd District Court of Appeal upheld a circuit judge's finding that the requirement was an unconstitutional "special law" because it would single out private hospitals in Sarasota County for the reimbursements.

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## FORMER USC FOOTBALL PLAYER SUING UNIVERSITY FOR MEDICAL MALPRACTICE



Bernard Hicks, a former football player for the USC Golden Bears, is suing the school for medical malpractice due to concussions he suffered while playing on the team from 2004-2008. During that time, he played safely and sustained multiple concussions during games and practices. According to the **Los Angeles Times**, the suit claims the university should have been more proactive in preventing injuries.

## RECALLS

### VOLKSWAGEN RECALLS 420,000 CARS OVER AIR BAGS

According to **USA Today**, Volkswagen has launched a recall of 420,000 vehicles due to an air bag issue. A spring in the steering wheel assembly can become fouled, ripping a cable that controls the electrical connection to the front air bags. If that happens, the air bags won't deploy in a crash. Models included in the recall are 2010 to 2014 Volkswagen CC, Passat and Tiguan; 2010 to 2013 Eos and Jetta; 2011 to 2014 Golf and GTI; and 2011 to 2013 Jetta Sportwagen. The recall is not linked to the ongoing Takata air-bag recalls.



### FIAT CHRYSLER RECALLING MORE THAN 85,000 SEDANS

An electrical problem has caused Fiat Chrysler to recall 85,816 2015 Chrysler 200 Sedans, according to an **Associate Press** report. Some electrical connectors were damaged when a supplier conducted post-production tests, and the problem could cause the engine to stall or shift the gear unexpectedly to neutral.

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### GENERAL MOTORS ISSUES RECALL FOR THE 2010 CHEVROLET COBALT



According to **The Detroit News**, General Motors issued a recall that covers 73,000 2010 Chevrolet Cobalt sedans. Some may have been built with improperly routed side impact wiring, which could prevent an air bag from deploying in a crash. General Motors said it has one report of injury and crash due to the issue.

### BRITAX RECALLS 37 MODELS OF CAR SEATS

**NBC News** recently reported that Britax is recalling 37 models of car seats due to a potential safety defect. Affected seat models were manufactured between Aug. 1, 2014 and July 29, 2015, may have a defective harness adjuster button that stays in the "release" position when the harness is tightened, rendering the seat useless.

### NEARLY 3,000 ELEPHANT TOYS RECALLED

The Manhattan Group is recalling 2,800 My Snuggly Ellie activity toys sold throughout the U.S. and Canada, according to **Fox Business**. A wooden ring that hangs off the elephant's body can break into small pieces, posing a choking hazard.



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