

FEATURE ARTICLE

Medical Negligence

In this issue of *JLL Reports*, a periodic newsletter for our clients and friends, we focus on the topic of medical negligence. Two recent cases our firm handled highlight the tragic impact of medical negligence on individuals and their families:

\$1.2 Million for Medical Negligence
\$1 Million for Failure to Diagnose Cancer

As the subject of healthcare reform continues to be debated, media reports have highlighted that medical mistakes are the leading cause of accidental death in the U.S. Hearst Newspapers recently conducted a national investigation and reported that:

"Experts estimate that a staggering 98,000 people die from preventable medical errors each year. In addition, a Centers for Disease Control and Prevention study concluded that 99,000 patients a year succumb to hospital-acquired infections. While there is no definitive study on this subject, all of the available research indicates that the death toll from preventable medical injuries approaches 200,000 per year in the U.S."

While medical professionals certainly do not intend to hurt patients, the data supports that lack of communication, resulting in injury or death, is a leading cause of medical errors.

We are here to help – legal action can resolve issues more expeditiously and yield possible financial compensation. If you suspect you or a loved one has suffered as result of a medical error or misdiagnosis, please call us to discuss possible options and remedies.

\$1.2 Million Settlement in Medical Negligence Case

Joseph, Lichtenstein & Levinson settled a case involving a 32-year-old man who died as a result of being improperly prescribed a narcotic to treat road rash (skin abrasions) as a result of a fall while riding his motorcycle. After being taken to the emergency room and stabilized, the man was moved to a hospital room where he received a Fentanyl Transdermal Patch, which was prescribed by his personal physician, to manage the pain caused by his skin abrasions. Fentanyl is a very potent narcotic and is known to cause life-threatening breathing problems if prescribed or administered incorrectly. Even though the man's doctor knew he had a history of breathing problems (severe sleep apnea), the doctor prescribed this medication anyway. After several days in the hospital, the man suffered respiratory arrest and died as a result of dangerous levels of Fentanyl in his bloodstream. Representing the man's family were Ken Levinson and Jay Stefani. "The loss of this young man is extremely tragic and we are comforted to know that the sizable settlement we secured will help support his widow and young son," noted Mr. Levinson.



Family Receives \$1 Million in Failure to Diagnose Cancer Case

The loss of a loved one due to a medical error is staggering. Recently, Ed Lichtenstein and Ken Levinson settled a case involving a woman who was undergoing knee surgery. Prior to surgery, the protocol required certain pre-operative testing to be performed. The results revealed early signs of lung cancer, but shockingly, those results were never shared with the patient. Two years after her knee surgery, the woman began experiencing symptoms and later tests revealed advanced lung cancer. "She fought valiantly, but the cancer was too advanced," noted Ed Lichtenstein. "In the end, we were able to secure a significant settlement for the woman's family."

Other News

Public Health Advisory

The U.S. Food & Drug Administration recently issued another public health advisory about the use of the Fentanyl Transdermal Patch. According to the FDA website, "Despite issuing an advisory in July 2005 that emphasized the safe use of the fentanyl patch, FDA continues to receive reports of death and life-threatening side effects in patients who use the fentanyl patch. The reports indicate that doctors have inappropriately prescribed the fentanyl patch to patients for



acute pain following surgery, for headaches, occasional or mild pain, and other indications for which a fentanyl patch should not be prescribed. In addition, the reports indicate that patients are continuing to incorrectly use the fentanyl patch by replacing the patch more frequently than directed in the fentanyl patch instructions, applying more patches than prescribed, or applying a heat source to the patch, all resulting in dangerously high fentanyl levels in the blood." For more information, visit the FDA website at: <http://www.fda.gov/Drugs/DrugSafety/PublicHealthAdvisories/ucm048721.htm>

JLL Attorney News



Burt Joseph has been invited to introduce a program on Laughter and the First Amendment at the Chicago Humanities Festival. Participants will include prominent appellate judges and First Amendment scholars who will explore the relationship between humor and free speech.



Ed Lichtenstein has been invited by the Will County Bar Association to join the Business, Civil and Mediator Committees. These Committees are influential in providing input on justice issues to the Will County Court Administration. Ed is also a member of the Illinois Trial Lawyers' Association as well as the Chicago Bar Association, Illinois Bar Association, Will County Bar Association, and the Illinois Workers' Compensation Lawyers Association.

The firm's workers' compensation case load is continuing to grow due in part to the increase in work force at the Ford Motor Company's Chicago Heights Stamping Plant that is ramping up production for panels for the new Ford Taurus. In addition, there has been a significant increase in our firm's filings against another large local employer, AT&T. While both these employers vigorously defend their workers' compensation claims, Ed Lichtenstein is proud to represent the working men and women of Illinois who suffer work related injuries.



Ken Levinson has become a member of The American Trial Lawyers Association. Membership is limited to the Top 100 Trial Lawyers from each state and is by special invitation, based on an attorney's qualifications, leadership, reputation, influence, stature and profile in the trial lawyer community. Ken has also been appointed as Chair of the Chicago Bar Association's Solo and Small Firm Committee, where he is responsible for planning the continuing legal education programming for the committee. Ken recently completed intensive advanced study at the prestigious Gerry Spence Trial Lawyers College. This course attracts trial lawyers from around the country to study winning dynamics and techniques of the jury trial.



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