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Some surgical mistakes should *never* happen

All surgeries carry inherent risks to patients who undergo them. In addition, doctors are human, and thus occasionally make mistakes. However, certain errors should *never* happen; these are called “never” events.

P2

What our clients are saying

Droning on

Faq: Old Injuries

P3

What happens once my car wreck lawsuit is filed?

Link between low levels of Vitamin D and breast cancer?

Legal terms explained

P4

Need info? We've got you covered

Examples of never events include surgery performed on the wrong patient; the wrong surgical site is operated on; the wrong procedure is carried out; and surgical instruments are left behind, inside the patient.

Researchers reporting in the December 2012 issue of the journal *Surgery* estimate that 80,000 never events occurred in the United States between the years 1990 and 2010—approximately 80 per week—and believe that this estimate is very conservative. With over 50 million surgeries performed each year in the United States, that's one never event for roughly every 12,250 surgeries—that's rare, but doesn't lessen the gravity of the situation for the people affected.



Patients who fall victim to never events sustain permanent injury in 32.9 percent of cases, temporary injury in 59.2 percent of cases, and die in 6.6 percent of cases. Nearly two-thirds of never events occur under the watch of surgeons between the ages of 40 and 59, showing that age and experience aren't necessarily deterrents.

Hospital protocol and communication issues come into play in most cases of never events. Even measures such as time-out briefings prior to surgery to double-check key information, confirming the patient's identity, marking surgical incision sites in indelible ink, and procedures to count sponges and other surgical items are sometimes subject to unacceptable lapses.

Those who are the victims of never events have a right to fair and just compensation. Medical malpractice cases are complex; an experienced and skilled medical malpractice attorney in your corner is critical to safeguarding your rights. Our practice stands ready to assist you if needed. ■

WHAT OUR CLIENTS ARE SAYING

I sought representation from Dover Law Firm after being hit by a drunk driver, and what a great decision it was. From the time they called me back to the time I received my payment I was treated with the utmost respect. It was nice being treated like a friend instead of a number. I will always use them and recommend them for any personal injury needs.

Brandon Richards
Dallas, GA

Droning on

Drones—unmanned aerial vehicles (UAV)—have become familiar to many Americans due to their use in Afghanistan and Pakistan as highly effective tools in seeking out and destroying terrorists without putting our military personnel in harm's way.

While UAV jobs have been nearly exclusively military related, that is expected to change in 2015, when the Federal Aviation Administration (FAA) is set to release regulations for civilian use of UAVs in domestic airspace. Currently, 358 public institutions and 14 universities have FAA permits to fly drones, mainly for research and border security.

UAV manufacturers are eager to find new, nonmilitary markets for their products. Applications include keeping a watchful eye on livestock and pipelines, tracking criminals fleeing crime scenes, spotting animal poachers, delivering packages for UPS and FedEx, fighting fires, and utilizing them for law enforcement surveillance.

For the time being, just three schools offer degree programs in drone piloting, though quite a few others provide training. The difficulty for many schools is that to this point they haven't gotten guidance from the FAA on what kind of program to set up to produce employable candidates. Precise qualifications have yet to be established.

But once these not-so-unexpected kinks are worked out, the demand for pilots, as well as computer science and engineering students, is expected to be robust. The jobs are lucrative, too. Salaries approaching six figures right out the chute are possible depending on experience, the company, and the type of UAV involved. ■



Q: What if I have old injuries that occurred before my accident – should I tell my attorney about those?

A: Yes, definitely. One of the most critical elements of any successful claim is that you be 100 percent honest and open with your attorney right from the start. Failure to do so can sink your claim entirely or severely limit the amount of compensation you can collect for your injuries.

The reason why is that if you went to see a doctor or healthcare provider for a prior injury, you can bet that the insurance company will find out about it. Bottom line -- if you lie about a prior injury or try to conceal it, and the insurance company discovers your dishonesty, your case has no shot.

On the other hand, if you are up front with your attorney and disclose all prior injuries, your attorney can figure out a strategy for dealing with the prior injury issue. ■



WHAT HAPPENS ONCE MY CAR WRECK LAWSUIT IS FILED?

Generally speaking, if a car wreck case can't be settled through negotiations, a lawsuit is filed with the court. In serious injury cases, we at the Dover Law Firm file suit as soon as possible to put pressure on the insurance company to maximize the compensation accident victims can recover for their injuries.

FILING SUIT

Once the parties are served with a copy of the lawsuit by the sheriff, they have 30 days to answer the lawsuit in writing. At that point, the insurance company's lawyers will prepare an answer and forward it to your attorney.

The next six months are referred to as the discovery phase—interrogatories (questioning), requesting documents, and requests to admit are sent to the at-fault party. During this phase we learn as much about your injury case as we can. We learn as much as we can about the at-fault driver as well. Depositions of eyewitnesses, the injured victim and the at-fault driver or drivers may take place. In addition, depositions of any medical personnel who treated you may take place, as well as depositions of expert witnesses.

After the six-month discovery time period, the Dover Law Firm will attempt to get the case on a trial calendar as soon as possible.

If you have questions regarding your rights after a car wreck, please contact us to speak with one of our experienced accident attorneys. ■

LINK BETWEEN LOW LEVELS OF Vitamin D and breast cancer?

A recent study conducted by researchers at the University of California, San Diego School of Medicine points to a relevant window of opportunity for premenopausal breast cancer prevention in the three months prior to diagnosis.



Blood-serum samples from 1,200 healthy (at the time) women were chosen and studied from over 9 million samples frozen and stored for disease surveillance. Blood was drawn in the same time frame for all subjects, 600 of whom developed breast cancer and 600 who remained healthy.

The bottom line is that the women diagnosed with breast cancer were three times more likely to have low levels of serum vitamin D within three months of diagnosis than those women who did not develop breast cancer. Researchers believe that this time period may be crucial to the tumor acquiring blood vessels needed for tumor growth, and is a time in which cancer can still be thwarted.

Vitamin D is obtained mainly from sunlight. Dietary sources of vitamin D are relatively sparse (eggs, milk, and certain fish are good sources); supplements taken in coordination with your physician can provide it. Vitamin D aids calcium absorption, reduction of inflammation, neuromuscular and immune function, and modulation of cell growth, the latter two of which may come into play with cancer.

Researchers note that the mechanisms by which vitamin D helps to prevent breast cancer are not fully understood, but the understanding that low levels of vitamin D are more impactful late in cancer development is significant. ■

LEGAL TERMS EXPLAINED:

Statute of Limitations



The statute of limitations is the amount of time that you have to file a claim as a result of injuries you suffer in a car wreck

or because of a medical error. Generally, you have two years from the time you were injured to file a claim in Georgia, but there are exceptions. We strongly advise you to call us as early as possible after an injury to discuss your best course of action so that you don't miss any deadlines. ■

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should never happen. See p. 1.

This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

Need info? WE'VE GOT YOU COVERED

At the Dover Law Firm we believe very strongly in the importance of providing quality information – not only for our clients but also for others who may just have a few questions or who may be considering hiring an attorney (or trying to determine if they even need one).

Let's face it; it can be a traumatic and confusing time if you've been hurt in a car wreck or if you or a family member has suffered injuries as a result of a serious medical error. You need access to accurate and timely information from a source you can trust.

In addition to the wealth of free information at www.DoverLawFirm.com, where you can watch videos (we've recently uploaded lots of new ones you should check out), request our free books and reports, review the types of cases we handle, or just read through the many articles available, I also wanted to remind you about one other way to get the help you need: just call us. We'll be happy to answer your questions and make sure your rights are protected. ■

