



The Chicago personal injury and wrongful death attorneys at Levin & Perconti publish seven blogs to deliver current news and information relevant to our practice. These blogs allow our clients, fellow attorneys, and the public to stay informed on some of the most important issues our field faces today. The *Illinois Injury Lawyer News Brief* is a weekly compilation of entries which highlights some of the most important news covered on our blogs.

ILLINOIS INJURY LAWYER NEWS BRIEF

August 30, 2010

NURSING HOME ABUSE AND NEGLECT

AUGUST 30, 2010

New "Village" Community Helps Elderly Residents Stay in Their Homes

As frequently reported on this blog, elderly residents across the country now have more options when they reach a point in their lives when they need additional assistance. Our [Chicago nursing home lawyers](#) at Levin & Perconti continue to watch as nursing homes provide inadequate care to vulnerable residents in their facilities, so it is no surprise that many seniors wish to avoid these negligent homes for as long as possible.

One alternative option is participation in what are becoming known as "elderly villages." As discussed today in a *Columbus Dispatch* article, there are currently around 50 villages in the country, with nearly 100 more in various stages of being organized. These villages are buddy-style communities that allow seniors the chance to stay in their homes but still receive low-cost nursing visits, home maintenance, and other help that is needed.

The group is comparatively low-cost, with members paying \$400 a year to cover employment costs of two staff members and other expenses. Collectively, members are able to negotiate discounts with home-care aides, physical therapists, and other medical providers.

Besides that basic care, the village also acts as a support community, helping each other when necessary. Monthly events are held which helps educate seniors, for example, on avoiding financial scams—a growing problem in the community.

For many elderly residents who are in need of additional help as they age, the benefits of the village are clear. Maintaining their independence is an important consideration for many seniors. As one member of an elder village explained, "I don't want to have to move to a retirement community and I don't want to move in with my children."

The popularity of these alternative care communities will continue to grow. If traditional nursing home providers keep allowing inadequate and [abusive elder care](#) at their group homes, than the benefits of the alternatives will become even more obvious. As the director of one elder village explained, "It's a revolution."

AUGUST 29, 2010

Nursing Homes No Longer the Only Option for Seniors

Thirty years ago, when a senior needed extra medical care beyond that which he or she could do themselves, they virtually had no other choice but to move into a [nursing home](#). Today things are much different. The *Rockford Register Star* recently discussed the change and the effect it has had on nursing home businesses in the Chicago area. Assisted living facilities, home care groups, and retirement centers now abound, allowing seniors increasing freedom to choose the type of aide that best matches their needs. The trend is considered a positive development by all who care about allowing seniors the chance to preserve their freedom and live happy, fulfilling, independent lives.

However, the expanded options have made it tougher for traditional nursing homes to fill beds in their facilities. Nursing home officials make money based on the payments paid for the care of each resident. The more residents at the facility, the more money the home receives. However, with more seniors taking advantage of options besides traditional nursing homes, the competition to fill the beds is tightening. As a result, many areas near Chicago are "overbedded"—meaning that there are more available places in nursing homes than there are individuals in need of nursing home care.

In fact, many nursing home officials are attempting to avoid further competition by stopping the creation of new long-term care facilities. For example, in the Rockford area, nursing home administrators are hoping that state officials stop the creation of two new special facilities—Pecatonica Pavilion and Warrior's Gateway. The two new locations would cater to different populations, with Warrior's Gateway specifically targeting those with traumatic brain injuries and multiple traumas. However, regardless of their clients, nursing home administrators believe that the new organizations would simply be more competition, making it harder for them to fill available beds in their nursing homes.

The declining occupancy rates have ultimately led to tighter budgets at many facilities. The budget challenges can pose a real problem for patient care.

Our [Chicago nursing home lawyers](#) at Levin & Perconti are well aware of the potential for neglect at nursing facilities when the business-side of the enterprise completely overwhelms the quality of care. With vulnerable elderly residents involved, the quality of care given at these facilities should never be sacrificed in an attempt to save cash. But when money becomes especially scarce at these facilities, nursing home officials often panic and resort to arcane budget reduction measures.

The news and information reported on this wrap-up represent the legal actions of attorneys throughout the United States. Our firm does not claim to represent plaintiffs in all of the lawsuits, settlements, and jury verdicts reported, only those noted as Levin & Perconti cases.

For example, nursing staff and nursing assistants are often reduced in order to save on employment costs. But the reductions can go too far, because **Illinois nursing home law** requires that each resident be given a certain minimum amount of nursing care each day. Our attorneys continue to watch local facilities to ensure that these and similar requirements are met. Please contact our office if you suspect that the care at a local nursing home is being sacrificed.

AUGUST 28, 2010

Study Reveals Palliative Care Helps Extend Patient Life

An article in *The Gazette*, a monthly publication of the National Consumer Voice for Quality Long-Term Care, pointed to an interesting new study that suggests new methods that may help extend the life of cancer victims in **nursing homes**.

The research out of the *New England Journal of Medicine* specifically found that "palliative care" extended the length and quality of life of patients who had been diagnosed with lung cancer. According to GetPalliativeCare.org, the treatment is a medical specialty that includes a variety of techniques to improve the quality of life of patients facing serious illness. It focuses on intense communication with the patient, managing of pain, and coordination with personal development.

In other words, palliative care includes all of the components to patient care besides the basic treatments of surgery, radiation, and chemotherapy. The treatment is often confused with hospice care. While hospice care typically involves some palliative care, the two are not synonymous.

The research cited in the article revealed that patients with fast-growing lung cancer were happier and lived three months longer if they received treatment that included a palliative care component. In this case, the palliative care included pain management, legal support, religious support, and other services.

Our **Chicago nursing home lawyers** at Levin & Perconti fully endorse any strategy that is shown to improve the quality of life of residents living in these medical care facilities. Many residents ultimately receive abysmal treatment when forced to suffer at a **bad nursing home**. At many of these negligent facilities, even life-saving medical care is mismanaged, leading to injury and death.

Yet, it is important to remember that a nursing facility should provide more than just bare-bones medical care to keep an elderly resident alive. Instead, these facilities need to understand that elderly residents are often vibrant, mentally active, eager members of society who need stimulation, challenge, and excitement just as any other person does. Those needs and desires do not end once someone moves into a nursing home or once they are diagnosed with a serious illness. As this study suggests, providing those extra components of care can actually have health benefits. All nursing homes should explore whether their facility can use this new research to improve the quality of lives of their residents.

AUGUST 27, 2010

Illinois Nursing Home Violation: Fox River Pavilion

The Fox River Pavilion, a care facility in Aurora, recently received several Type "A" Violations from the Illinois Department of Public Health and was fined \$20,000. The violations resulted from failure to provide proper facilities for its residents and allowing another resident to physically attack several others in the facility in a particularly egregious form of **nursing home negligence**.

First, the nursing home was failed to provide basic accommodations—a suitable bed—for one of its residents. This particular resident was 6 feet, 8 inches tall. The bed that he was forced to sleep in, however, was too short, forcing his head to hit the top of the bed stand. In addition, he was not allowed sheets of sufficient size to cover his entire body. Besides that, Illinois nursing home investigators uncovered troubling information about a particularly violent male resident who physically attacked several female residents at Fox Pavilion.

These violations are not the first signs of trouble at Fox River. Earlier this year a resident at the facility was killed after an argument between himself and his roommate. Nursing home administrators failed to prevent the altercation. As a result of the deadly incident, federal authorities stopped its government funding of the facility.

Our **Chicago nursing home lawyers** at Levin & Perconti have experience fighting for victims of negligent nursing home care. Be sure to contact them or any similar attorney if you know of violations similar to the one at Fox River Pavilion. The Illinois Department of Health produces quarterly reports on nursing home violators. To access the IDPH report on this violation, please [click the link](#).

AUGUST 26, 2010

Nursing Assistant Charged With Stealing Pain Patches from Residents

The *Foster's Daily Democrat* wrote this week about developments in a case involving **nursing home theft**. A former nursing assistant at the Riverside Rest Home was denied bail recently after being arrested for stealing medication from patients at the facility.

Twenty-four year old Alesha Neault worked at Riverside until her arrest this June. Her role was to provide a variety of basic care to the elderly residents, assisting licensed nurses with medically-based tasks. Part of that work involved handling medication for some of the residents. As authorities eventually uncovered, she abused her position at the facility to support her own illegal drug habit.

Specifically, Ms. Neault was found to have stolen Fentanyl patches that had been prescribed to two patients at Riverside. This was a particularly egregious theft of medication, because it was not only an illegal theft, but it directly deprived the patients to whom it was actually prescribed. Medical care professionals are often found to have stolen medication from hospital storage. While illegal, that conduct does not directed harm patients to who need the medication. In this case, Neault was not only willing to break the law to support to addiction, but had no qualms about allowing her theft to deprive patients of medication who actually had ongoing pain that needed control. They were forced to suffer through the pain.

Obviously these examples of nursing home abuse are appalling, and the offending employee should be punished to the full extent of the law. However, as our **Chicago nursing home attorneys** at Levin & Perconti are well aware, these cases of individual lawbreaking are often indicative of larger problems with the management of nursing facilities. When staffing decisions are made quickly or with lax standards, negligent and abusive employees like Alesha Neault are invited to wreak havoc on the lives of residents. That should never be allowed. Please contact a **nursing home lawyer** if you have had any experience with unqualified nursing staff members.

The news and information reported on this wrap-up represent the legal actions of attorneys throughout the United States. Our firm does not claim to represent plaintiffs in all of the lawsuits, settlements, and jury verdicts reported, only those noted as Levin & Perconti cases.

AUGUST 25, 2010

Illinois Nursing Home Under Investigation For Abuse

The News-Tribune posted a story last weekend about recent investigations by the Illinois Department of Public Health after a complaint was filed against an employee at the La Salle County nursing home. Details about the complaint are minimal, because the investigation is ongoing. However, it is known that a certified nursing assistant at the facility is claimed to have committed some act of sexual abuse on a resident.

This is not the first hint of problems at this particular Illinois facility. Over the past two years, the home has experienced other molestation incidents—involving residents abusing other residents. In addition, the financial decisions made by the administrators have been questioned. In one instance the nursing home committee of the county board ignored required processes in state law when bidding on furniture for the facility.

With these recent problems it is no surprise that the La Salle County nursing home has lacked leadership—the previous administrator resigned earlier this month over disagreements about hiring powers. The string of management problems has led many on the La Salle County Board (which governs the nursing home) to look into privatization options.

The repeated problems at this county board institution are a sober reminder that both public and private elder care facilities suffer from abuse and neglect. Our [Chicago nursing home lawyers](#) at Levin & Perconti have been involved in legal fights involving abuse in various homes for the elderly. The La Salle example makes clear that [nursing home abuse](#) can run rampant in facilities run by governments without clear accountability standards. However, private institutions which seek to make a profit off these facilities are often just as willing to sacrifice the quality of care in order to save on the bottom line. No matter who runs these facilities, the appropriate resources must be expended to ensure that the level of care complies with the law and protects the rights of elderly residents.

AUGUST 24, 2010

Advocates Call Attention to Poor Care At Crestwood Terrace Nursing Home Near Chicago

The Illinois Nursing Home Care Act is the guiding law that sets standards of care for residents in nursing homes in the state. The law is intended to ensure that the vulnerable patients in these facilities receive a certain quality of care at all times. However, as our [Chicago nursing home attorneys](#) at Levin & Perconti have experienced first-hand, many homes fall far short of the standard obligated by law.

Recently, a group that advocates for the rights of [Illinois nursing home](#) residents protested in front a facility that has repeatedly failed to provide the basic care to its residents demanded by the law. As *Chicago's Breaking News Center* reported, the group, Progress Center for Independent Living, demonstrated in front of the Crestwood Terrace Nursing Home. The facility, located southwest of Chicago, is claimed to have been particularly negligent in meeting its obligation to ensure that residents retain a sense of dignity in their living conditions.

Complaints at the facility include a wide-range of breaches of care. Some resident are not given their medication on time (or at all), some are denied visitors, and personal mail is often opened by staff members. Even the ability to walk around the grounds is often denied. One resident reports that other residents were allowed to steal his belongings—his dentures, hand brace and clothing—and nothing was done to replace them for months. A spokesman for the group organizing the protest claimed, "There are so many violations regarding basic rights of the patients at this home, it is beyond comprehension."

As Cite Health notes, even the self-reported care given to residents at Crestwood is failing. The amount of daily care time that a resident receives from certified nursing assistants, vocational nurses, and regular staff members are all much lower than the average at Crestwood.

The advocacy group also notes that the facility makes it virtually impossible for a resident to save up enough money to live on their own. With Social Security checks going directly to the facility, each patient is ultimately given only \$30 out of that check for their own purposes. This extreme limiting of personal income creates a dependency on the facility that a resident is unlikely ever to break. If you know of any similar abuses at a facility near you, please contact a [nursing home attorney](#) to help put an end to the negligent treatment.

AUGUST 23, 2010

Nursing Home Patients Signed Up for Insurance Without Their Knowledge

Nursing home abuse and exploitation takes many forms. The vulnerability of many of our elderly residents at these facilities make them prime targets for anyone who wishes to force themselves upon them because of their often mentally or physically weakness. The abuse can be physical, sexual, emotional, mental, or even financial.

For example, a recent case reported at *Alabama Local News* involves four [nursing home residents](#) being involuntarily enrolled in insurance programs that they did not want. Officials in the state arrested Kimberly Bisslessi Eddins last week after evidence surfaced showing that she signed up four separate residents of the nursing home Coventry Health Care for insurance. In order to receive the commissions on the sales of these insurance packages, Eddins secretly signed up the vulnerable patients for insurance coverage starting in late 2008. In total, the fraudulent sales netted Eddins over \$3,800 in commissions and cost the residents untold fees in premiums.

It is unclear from the report exactly how Eddins was able to access the necessary information from the residents to make the illegal sign-ups. She had gathered their names, dates of birth, and Social Security numbers.

This latest form of exploitation of the elderly is just another example to be added to the many that our [Chicago nursing home attorneys](#) at Levin & Perconti have seen after decades of fighting for abused residents at these facilities. Most residents are brought into nursing homes specifically because it is assumed that they are too vulnerable to avoid injury and exploitation if they remain living without close supervision. However, as this and countless other examples demonstrate, the vulnerabilities of these residents continue to be taken advantage of while living in long-term care facilities. In fact, being forced to live in substandard nursing facilities makes it even more likely that a residents' mental or physical state will be exploited. Be sure to keep a close eye on all the activities of your elderly loved ones, and contact a [nursing home lawyer](#) today if you suspect any problems with their care.

The news and information reported on this wrap-up represent the legal actions of attorneys throughout the United States. Our firm does not claim to represent plaintiffs in all of the lawsuits, settlements, and jury verdicts reported, only those noted as Levin & Perconti cases.

AUGUST 22, 2010

Financial Expert Explains Nursing Home Finance Planning

The Record Searchlight posted an insightful article this week discussing some financial ins and outs regarding **nursing home care**. The discussion begins by explaining that many Americans often overlook the financial component of skilled nursing home stays.

Nearly one out of every three Americans will spend at least some time in a skilled nursing facility. The reasons for the stay vary widely, but one of the most common is to recuperate following extended surgery. Interestingly, men average much shorter stays at these facilities than women. The typical male skilled nursing home resident will stay at the facility for nine months, while the average female resident has a three year stay.

One reason for the difference is that men typically die earlier than woman. As men age, their wives are often still around to care for them at home. The surviving wives often do not have a spouse to provide skilled care, necessitating longer times in nursing facilities.

Considering the high use of skilled nursing facilities, it is important for all elderly individuals to consider the possible financial costs of residing in one of these homes. On average, the stay will cost around \$75,000 a year. As the article mentions, a combination of Medicare and Medicare supplement insurance (Medigap) typically covers the first 100 days of care at a nursing facility following three-day stays at a hospital. After that initial 100 days, however, the financial dynamics change.

Individual long-term care insurance would cover the additional expense, but that must have been acquired well-ahead of the time the resident actually needs to reside in the facility. Without that, residents much either pay the costs themselves or hope to qualify for government Medicaid programs. The government system is based entirely on financial need, calculated according to a combination of factors.

Our **Chicago nursing home attorneys** at Levin & Perconti understand the perilous financial situation faced by many elderly individuals in need of long-term nursing home care. We encourage all those seniors and their families to plan ahead for the possible financial implications of these decisions. Be sure to consult experts in the **nursing home laws** of your state to ensure that you are on proper legal footing with all of your decisions.

AUGUST 21, 2010

Medication Error At Nursing Home Causes Brain Damage

A jury this week awarded \$3.1 million dollars plus still-to-be-determined punitive damages following a **nursing home lawsuit**, according to the *Orange County Register*. Barbara Lefforge was literally at the St. Edna Sub acute & Rehabilitation Center for half a day—only 5 ½ hours—before they made a costly **medication error** that nearly ended Barbara's life. She was at the facility to recover from tendon repair surgery. Her doctor erroneously prescribed 50mg of morphine, instead of the 50 mg of Demerol. The nursing home personnel at St. Edna's were alerted to the mistake by the pharmacist, noting that the dosage was too high. Nursing home staff members were unable to get the full dosage from the pharmacist, but they didn't take that as a warning sign. Instead, they grabbed 30mg of morphine from the office's emergency medication kit and gave that to Barbara.

The negative effects of the overdose were visible shortly after Barbara took the medication. However, instead of taking her to get treatment immediately, nursing home staff did nothing. She wasn't brought to the hospital until the following morning when she was barely breathing. By the time they arrived the damage had accelerated; the delay resulted in brain damage. St. Edna's is owned by Covenant Care, a conglomerate which owns 25 separate facilities in the state. St. Edna's did not have a track record of prioritizing patient safety. They were previously one of only a handful of nursing homes that accepted extra state money, \$15 million, while cutting staff and services at the same time.

Our **Chicago nursing home attorneys** at Levin & Perconti continue to be saddened by the basic breaches of care at nursing homes. Failing to understand the risks of morphine overdose on top of an inability to rush a distressed individual to the hospital are mistakes that all too often have deadly consequences. The only way to hold these facilities accountable and ensure that future residents do not fall victim to the same abuse is to force the business to pay for its errors and make changes to ensure that the problem is corrected.

MEDICAL MALPRACTICE

AUGUST 30, 2010

Baby Dies After Alcohol Injected Into His Heart

A heartbreaking story about a **medical error** that took the life of a 7-month old baby is being reported at *KTLA News*. Tressel was the only child for Emilie and Scott Meinardi. Since birth, Tressel had heart issues; however, they knew that with surgery, the issues could be corrected. Last week the scheduled surgery date finally arrived, and the family headed to Cincinnati's Children's Hospital for the operation. Tragically, Tressel would not make it out of the facility.

In the middle of the procedure, a technician made a terrible medical mistake. During the open-heart surgery, instead of flushing the baby's system with saline, the medical staff member used alcohol. Of course, sending alcohol into the fragile baby's body instead of the sterile saline solution had devastating effects on the child, eventually leading to Tressel's death. The medical error is similar to the one we reported on last week involving the baby who was accidentally given morphine. In addition we wrote recently about the problem with hospital tube manufacturing that makes these types of mistakes all too common. Hospitals, doctors, and manufacturers of these devices need to take a close look at these errors, understand exactly how to prevent them in the future, and ensure that no other patient falls victim.

Words cannot describe the devastation that family and friends suffer upon learning that a medical mistake took the life of their loved one—the pain is only compounded when an innocent child is lost. Our **Chicago medical malpractice attorneys** at Levin & Perconti have worked with families involved in these tragedies for decades. We offer sincere condolences to all those suffering from this **hospital mistake**.

The news and information reported on this wrap-up represent the legal actions of attorneys throughout the United States. Our firm does not claim to represent plaintiffs in all of the lawsuits, settlements, and jury verdicts reported, only those noted as Levin & Perconti cases.

AUGUST 29, 2010

Drug Trials May Make Patients Worse

A *New York Times* article recently discussed an important issue is medical experimentation—what to do when new **medical trials** don't work. Headlines are often littered with news of medical breakthroughs and new drugs that are supposed to help patients deal with previously untreatable problems. However, before reaching those important milestones, potential new treatments must go through various trial stages to test their usefulness.

Entire businesses have developed around finding patients to enroll in clinical trials for new drugs. Many patients and their families are very eager to join these projects, willing to do whatever it takes to find cures for their ailments. But hidden behind the glamour of new medical cures is the reality that many of these trials simply do not work. In fact, at times the new test drugs actually make patients worse.

Last week Eli Lilly, one of the largest pharmaceutical companies in the world, announced that it was halting two trials on what was previously a promising Alzheimer's drug. Not only were the trial drugs not improving the test patients—it was actually making their condition worse. This is disappointing news and a sobering reminder of the risks associated with these new drug tests. It is extremely important for all patients who agree to take part in these trials to understand the potential for harm that exists any time medical professionals venture into uncharted waters.

These medical trials are important and necessary steps in improving the quality of healthcare. However, patients need to be fully informed about what they are getting into with these tests. Informed consent in this context should be the same as with any other medical procedure. Our **Chicago medical malpractice lawyers** at Levin & Perconti have fought for many victims of medical errors who did not give **informed consent** before the procedure that led to their harm. We fully support the same rights for those involved in medical drug trials.

AUGUST 28, 2010

Veterans Affairs Hospital Fined for Medical Errors

We have previous posted the news of **radiation violations** which affected thousands of patients at Veterans Affairs hospitals across the country. Last week, the U.S. Nuclear Regulatory Commission finished its investigation into the incidents, and ultimately decided to fine the Department of Veterans Affairs \$39,000 for the medical mistakes. The *Philadelphia Inquirer* reports that the fine was levied after radiation safety violations were uncovered at 12 VA hospitals. This particular fine resulted for two separate incidents connected to the Department's brachytherapy program. Brachytherapy is essentially the use of radiation to attack tumors in the body. It involves implanting dozens of radioactive seeds into certain glands in an effort to kill cancer cells over a period of months.

Radiation treatment obviously poses unique risks to those who need it. Our **Chicago medical malpractice attorneys** have fought for many patients who have suffered at the hands of **radiation errors** in various forms. The risk of mistakes in radiation is high, so obviously extreme care should always be used by medical professionals. However, The US Nuclear Regulatory Commission discovered that the VA failed to have any pre-operative procedures in place and failed to notify patients of errors following a failed procedure.

This is not the first punishment handed out to the Department for problematic radiation medical care. Earlier this year, the Nuclear Regulatory Commission hit the VA with a \$227,500 fine after it was discovered that residents received incorrect doses of radiation over a six year period as part of their prostate brachytherapy treatment.

The repeated issues connected to the brachytherapy treatment vividly demonstrate that problems existed right from the start of the program, and doctors repeatedly failed to fix them. The medical mistakes affecting hundreds of our nation's veterans have been noticed by many concerned with proper patient care. As Congressman John Adler argued, "The NRC has found widespread medical misconduct throughout the VA's brachytherapy program. It is time the VA acknowledges and fixes their mistakes."

AUGUST 27, 2010

New Study Suggest Doctors Overexposing Patients to Radiation

The *New York Times* discussed a pair of studies that were recently released by the journal "Radiology." The research suggests that physicians should take a new approach to limiting the exposure of patients to potentially dangerous doses of **radiation** during screenings for breast exams.

It is common knowledge that radiation can be harmful in large doses. Of course patients are exposed to lower levels of it during routine testing—x-rays and ultrasounds being some of the most common. However, problems arise when more complex testing is used that involves increased exposure to radiation. In particular, a few nuclear-based breast imaging tests used to screen for breast cancer involve injection of large amounts of radioactive material in patient bodies. These tests—known as breast-specific gamma imaging and positron emission mammography—are supposed to compliment regular tests but are often used liberally. They offer much more radiation exposure than regular mammograms. Specifically, experts believe that just one of these exams exposes a patient to the same radiation as the total they would get from a lifetime of yearly mammograms.

The **radiation exposure** ultimately increases some patients' risk of getting other cancers, like those in the kidney and bladder. The risk for some patients of getting these cancers may be 30 to 40 times greater with the high exposure tests compared to the regular tests. Considering the side effects, the Radiology study indicated that it would be wise for physicians to more fully consider whether the test is actually necessary before ordering it.

Unfortunately changes are slow-going. As a Mayo Clinic researcher noted, "This is something that isn't well understood, not just by the public but by physicians who order the tests." Physicist R. Edward Hendrick explained that this is caused by a misconception among doctors that all of these tests have similar radiation exposures, even though that is unequivocally wrong.

While exposing patients to the risks of excessive radiation is sometimes unavoidable, doctors need to do a better job of fully understanding the risk of the test before administering it. Our **Chicago medical malpractice lawyers** at Levin & Perconti have watched as doctors have refused to consider the risks of certain medical decisions that ultimately injure and kill innocent patients. We encourage all patients to pay close attention to each facet of their medical care to ensure that it is meeting the standards to which they are entitled.

The news and information reported on this wrap-up represent the legal actions of attorneys throughout the United States. Our firm does not claim to represent plaintiffs in all of the lawsuits, settlements, and jury verdicts reported, only those noted as Levin & Perconti cases.

AUGUST 26, 2010

Illinois Advocacy Groups Speaks Out For Patient Rights

The *Morris Daily Herald* recently posted a series of letters from advocates discussing the Illinois Supreme Court's decision that found arbitrary caps of damage awards in certain lawsuits to be an unconstitutional abuse of the state legislative power. The state Supreme Court in that recent high-profile case, *Abigail Lebron v. Gottlieb Memorial Hospital*, found that a small girl could not be limited in her damage recovery following a **medical error** that caused devastating injuries.

Travis Akin, executive director of the group Illinois Lawsuit Abuse Watch (I-LAW) published an article attacking the judges on the Illinois Supreme Court who made the decision. In criticizing the judges he postulated that they have "potentially reopened the floodgates, causing Illinoisans to worry if their doctors will be there when they need them."

In response to Akin's position, leaders of the largest public interest organization in Illinois, Citizen Action, wrote into the publication to express support for the state judges and to counter Akin's misleading statements. As the group points out, far from being "activists"—basing new legal decisions off personal policy preferences—the 4 justices in the majority in the *Lebron* decision were following a long line of legal precedent dating back thirty five years. The legal principle separating the functions of the legislative branch of the state government and the judicial branch are well-established and important parts of the legal tradition. The law overturned in the case is simply not in compliance with the Constitution created by our state delegates and voted in by the public. We cannot allow one of the three co-equal governing branches infringe on the powers of the other.

Besides the foundational misunderstanding, Citizen Action also pointed out the quantitative evidence which undermines Akin's position. Far from re-opening so-called "floodgates" of lawsuits, the striking down of the law is unlikely to have any effect other than preserving fairness in the justice system. Before the arbitrary cap was put into place in the state, medical malpractice lawsuits were actually decreasing.

Finally, Citizen Action mentioned the one group often forgotten in talks about medical malpractice—insurance companies. Unlike the unconstitutional law recently struck down by the state high court, a 2005 law that finally required insurance reform has been shown to be working exactly as intended. The law shone light on the rate-setting and payout figures of these companies, which spurred competition and lowered premiums.

Our **Chicago medical malpractice lawyers** at Levin & Perconti understand the emotions involved in the debate about medical malpractice caps. However, our decades of experience fighting for victims of medical errors has made clear that the real danger is not in driving away qualified doctors, but in insulating **negligent doctors** from taking responsibility for their mistakes. The justice system's role in helping victims of those mistakes should never be limited by arbitrary legislative actions.

AUGUST 25, 2010

Infant Given Morphine By Hospital—More Details Emerge

Last week we reported on a particularly troubling medical error, where a newborn baby was mistakenly given a dose of morphine by negligent medical professionals. *Good Morning America* did a segment on the incident yesterday that explains more about the near-fatal **hospital mistake**.

Jessica Blischke had just delivered triplets, all girls, when her doctors prescribed her morphine to help her recover from the painful C-section surgery. However, a nurse mistakenly mixed up the IV lines with that of one of her just-born daughters, Taylee. In an instant the infant received a dose of the powerful opiate 400 times more potent than is usually given to a child her size. As a result, Taylee stopped breathing, going slack and becoming blue in the face while her mother was holding her. Doctors were able to revive the newborn, and she clung to life on a breathing tube.

The medical professionals were befuddled as to the cause of Taylee's condition, until they finally performed tests which revealed the opiates in the child's system. However, instead of considering whether a hospital error had caused the problem, officials instead pointed the finger at Jessica. Medical staff assumed that Jessica must have been taking drugs, with the morphine entering Taylee's system through her breast milk. Doctors may never have believed Jessica's repeated denials, except for the fact that the other two infants (also breast fed) had no traces of drugs in their system.

Eventually the truth was revealed. The nurse who made the error was overworking—making the mistake at the end of a 12-hour shift. Our **Chicago medical malpractice lawyers** at Levin & Perconti continue to be saddened by the thousands of families who are forced to endure the heartache of these medical errors. Luckily, doctors were able to save Taylee's life following the incident. Almost 100,000 patients each year are not so lucky and die from these mistakes. There is simply no excuse for medical professionals to destroy lives in that way. Please contact a **medical malpractice lawyer** if you have suffered from a similar mistake.

AUGUST 24, 2010

Medical Tube Mix-Ups Affect Hundreds of Patients Each Year

The New York Times published an eye-opening story last weekend on an all-too-common medical device error that continues to injure and kill hundreds of patients in hospitals across the country each year. The problem involves medical tubes. Many patients have several tubes used throughout a single stay at a hospital. Each tube has a unique function, delivering certain things into the body of the patients—some into a patient's nose others through a vein, arteries, the stomach or even lungs. Different fluids, medicine, blood, or nutrition are delivered through these tubes directly to the appropriate part of the body. If a mix-up occurs, however, and a substance is delivered into the wrong tube and the wrong part of the body, the results are often deadly. The similarity between the tubes makes the problem a common medical error.

The mistakes ultimately take a variety of forms. In one example, a twenty four year old mother and her unborn child were killed when a nurse accidentally placed a liquid food bag directly into the vein instead of into the stomach through the nose. In another case, a spinal anesthetic was accidentally slipped into a vein, killing the sixteen year old patient. Even though the problem continues, little is being done to correct it. The manufacturers of the tubes, hospitals, and medical regulators all claim that one of the others is responsible for the problem. Accountability is few and far between. The medical device industry has been reluctant to make any changes. The industry is unlikely to make design changes to improve safety unless the regulators force these makers of **medical devices** to improve their safety.

The news and information reported on this wrap-up represent the legal actions of attorneys throughout the United States. Our firm does not claim to represent plaintiffs in all of the lawsuits, settlements, and jury verdicts reported, only those noted as Levin & Perconti cases.

However, U.S. Food and Drug Administration approval processes are often slow, adversely affecting safety-related changes. Dr. Robert Smith, a former F.D.A. device reviewer explained that the "F.D.A. could fix this tubing problem tomorrow, but because the agency is so worried about making [the] industry happy, people continue to die." These mistakes represent egregious breaches of basic care that should never claim another innocent life. Our [Chicago medical malpractice attorneys](#) at Levin & Perconti will continue to advocate for the rights of those affected by these medical errors until the appropriate steps are taken to ensure that no future patient falls victim. We have personally fought for many victims of mistakes made with medical devices. Even one error is too many when simple prevention steps could eliminate the problem entirely. Please [click here](#) to read more about this alarming medical malpractice problem.

AUGUST 23, 2010

Illinois Patients Lose Ability to Check Doctor History

The *Chicago Tribune* reported last night on a troubling new development in Illinois that will keep patients from accessing important information about their doctor. This development is another step backward in open, honest medical care—it is another blow to all those interested in [patient safety](#).

For two years, the Illinois Department of Financial and Professional Regulation maintained online profiles of all doctors in the state. The profiles contained detailed information about the healthcare providers' career to help patients when they were making choices about who to seek for care. The information also listed crime convictions, hospital firings, and medical malpractice payments that affected each doctor as part of the open information provided to patients. These profiles were very popular in the state, receiving over 130,000 clicks per week. Clearly Illinois consumers were finding the information extremely valuable. However, as of this week, Illinois patients no longer have access to the profiles.

The open information was a casualty of legislative maneuvering in Springfield, where state legislators had initially passed the bill which required the profiles be made available. The Illinois State Medical Society is the lobbying organization for Illinois doctors, and the group has pushed to ensure that the profile stay locked up and hidden from Illinois patients. A bill has been introduced which will return the profiles, but it is unclear if the General Assembly will take action on the legislation. Considering the political influence exerted by the Illinois State Medical Society, legislation which seeks openness for patients is often difficult to turn into law.

As of now, the information that patients can access on their doctors is limited. Even blatant doctor misconduct cannot be found on these doctors' public profiles. For example, the Chicago-area surgeon Nercy Jafari was found guilty of sexually abusing a patient in his care. For the last two years, if a potential patient of Dr. Jafari had checked at the online registry they would have learned that information. But now the doctor's conviction is kept hidden.

Todd Smith, president of the Illinois Trial Lawyers Association confessed, "That anyone would want to keep that information from the citizens of Illinois is appalling to me. Patients deserve to know whether their doctor poses any dangers to them."

All medical patients deserve truth and honesty in the care they receive. That begins by allowing medical care consumers the option of knowing basic information about the physician that they are entrusting with their life. That is why our [Chicago medical malpractice attorneys](#) at Levin & Perconti support all measure that help patients make more fully informed medical decisions. The costs of [medical errors](#) are simply too high. Patients deserve to know if their doctor has a history of these mistakes or misjudgments.

AUGUST 22, 2010

Doctor Fails to Diagnose Brain Hemorrhage That Kills 20 Year-Old

A [medical malpractice lawsuit](#) was filed recently after a terrible medical mistake led to the sudden death of a young 20 year old woman. As reported in the *Mankato Free Press*, Elizabeth Moen was 19 years old when she made her first trip to a local clinic in late January 2008. Elizabeth was admitted to the hospital following the visit after reporting severe headaches, vomiting, diarrhea, and stiffness in her neck. These are all common symptoms of subarachnoid hemorrhage. According to Medline Plus, these hemorrhages involve bleeding between the brain and the tissues surrounding it.

However, regardless of the symptoms, the doctor at the clinic failed to test for the hemorrhage and instead diagnosed Elizabeth with migraine headaches. After leaving the hospital, Elizabeth went to visit the doctor again after continuing to suffer from the same problems. The doctor's solution was more pain medication. At no point did the health care professional order follow up visits or warn Elizabeth that anything other than migraines could have been involved in her health issue.

Eventually, about three weeks after her first visit, Elizabeth was back in the hospitals after her headaches had increased in severity and involved convulsions. It was only then that a CT scan was performed revealing a brain hemorrhage. She was airlifted to a hospital to attempt emergency procedures, but it was too late to save her. She was pronounced dead, and was kept alive for a short time so her organs could be donated.

Our [Chicago medical malpractice lawyers](#) at Levin & Perconti are intimately aware of the many medical mistakes made in cases like Elizabeth's. The doctors failed to diagnose the obvious hemorrhage symptoms, failed to perform any tests that would have shown the problem, and did not even ask Elizabeth about a history of migraines before erroneously concluding that she had them. No family should have to suffer the tragedy that the Moens endured in losing their daughter. If you suspect that you or someone you know suffered a similar loss that could have been prevented, please contact our [medical malpractice attorneys](#) today and learn about your rights.

AUGUST 21, 2010

Patient Dies After Falling Off Surgical Table

Medical malpractice lawsuits often involve complex medical errors that would be difficult for any non-professional to sort through. That is why expert medical professionals are often used as witnesses in these cases to help explain what the negligent doctor did compared to what the reasonable doctor would have done in any situation. The nuance and complexity of these cases is an important reason to seek out medical malpractice legal experts, like ours at Levin & Perconti, to help navigate the confusing legal and medical processes. Our [Chicago medical malpractice lawyers](#) have decades of experience developing relationships with experts across the country and understanding what care patients should have received in various medical situations.

The news and information reported on this wrap-up represent the legal actions of attorneys throughout the United States. Our firm does not claim to represent plaintiffs in all of the lawsuits, settlements, and jury verdicts reported, only those noted as Levin & Perconti cases.

However, sometimes a case comes along that is an obvious example of a **hospital mistake** even to someone with no medical training. Of course, the healthcare provider often refuses to admit the mistake and so victims must still use the legal system to seek some redress for the error.

A particularly troubling example of this gross **medical malpractice** was discussed last month by *KARE 11*. Max DeVries was 61-years old when he went into the St. Joseph's Hospital in St. Paul, Minnesota to undergo what was supposed to be a routine procedure to drain fluid from his back. A few weeks earlier Mr. DeVries had suffered a stroke and had part of his skull removed to reduce brain swelling. The back fluid was a byproduct of the brain swelling.

The beginning preparatory stages of the surgery proceeded as planned. Mr. DeVries was put into a gurney and slowly administered the appropriate anesthesia. However, lying limp in the surgery room, just before doctors were about to begin the process, he was allowed to roll off the bed and hit the hard tile of the floor. As a result of the fall, Mr. DeVries suffered massive bleeding of the head. He went into a coma-like state shortly after and died a month later.

This egregious example of hospital negligence is a prime example of how much patients are forced to depend on medical professionals in these critical surgical times. Mr. DeVries was under total anesthesia, unable to use or protect his body in any way. Hospital failure to ensure his physical safety in that setting is totally inexcusable.

CAR ACCIDENTS

AUGUST 29, 2010

Chicago Residents Save Lives Following Car Accident

The posts on this blog discuss car accidents, particularly in the Chicagoland area, analyze their causes, recommend practices to ensure **road safety**, and advise victims on their legal rights following those crashes. Our **Chicago car accident attorneys** at Levin & Perconti have decades of experience advising families after terrible accidents. Those crashes are quite often the result of negligent drivers who fail to take basic precautions to ensure safety on the road.

With all of the analysis of bad drivers, it is often easy to forget that the roadways are also filled with millions of Americans who diligently drive with care and caution. Severe accidents always cause intense pain and suffering. But at times, those accidents also bring out the very best in everyday citizens who attempt to help others in the wake of the tragedy.

Chicago Breaking News recently reported on one such situation following a tragic **car accident** yesterday on the south side of the city. Shortly before 7pm last night in the Altgeld Gardens neighborhood, a young woman and two young children were driving east on 130th Street. Witnesses say that the car abruptly veered off the road, crossed the median, and smashed into a pole.

Several people who saw the accident stopped their own vehicles and rushed the scene to provide help. When they reached the car they saw flames beginning to build underneath the car. In an amazing act of bravery, four men reached into the wreckage and managed to pull the two children out of their car seats and into safety. One man was injured in the effort. Unfortunately, they were unable to pull the female driver out of the car before it was engulfed in flames. She died in the accident. The two children were flown to a nearby hospital where they remain in serious condition.

The cause of the accident remains unclear. But there is no doubt that the men who rushed to the scene and saved the lives of two young children deserve immense praise for their selfless sacrifice. Even with repeated examples of negligent driving, it is important to remember the many drivers among us who are willing to stop at a moment's notice and lend a helping hand.

AUGUST 27, 2010

Illinois Car Crash Kills Motorcyclist

A southern Illinois man died yesterday following a **motorcycle accident** in Greene County, southwest of Springfield. As reported by *KSDK News*, the man was driving his motorcycle in the Illinois Route 108 around 3p.m. when the accident occurred.

The victim was driving behind a tractor on the two-lane roadway. He attempted to pass the slower moving farm vehicle and entered into the left hand lane before speeding forward. However, just as he was attempting to drive past, the tractor made a left hand turn into a farming area near the road. The motorcyclist was unable to stop in time, ultimately slamming into the front side of the tractor. The impact sent the driver flying off the motorcycle. Unfortunately, he was not wearing a helmet. He was pronounced dead at the scene by arriving emergency personnel. The driver of the tractor was uninjured.

Our **Chicago car accident attorneys** at Levin & Perconti send sincere condolences to the victims of this accident. Our years of legal work have repeatedly shown the consequences of these **car crashes**—the suffering it causes is staggering. For that reason, we encourage all drivers to take every possible precaution when traveling. Simple steps like wearing safety helmets and belts and driving at safe speeds for the conditions can truly be the difference between life and death. Risk on the road can never be fully eliminated, but simple steps decrease it tremendously. With the cost of injury so high, those steps are worth taking.

AUGUST 25, 2010

Pets—The Newest Driving Distraction

Anyone who has taken a walk in or around Chicago knows that Chicagoans love their pets. Dogs of all shapes and sizes can be seen traveling on the sidewalks alongside their owners in virtually every neighborhood at all times of the day. However, a new *WGN TV* article mentions that the friendly animals are now frequently making their way off the sidewalks and into cars. The results can be deadly.

It is not surprising that many dog owners travel with their **animals in the car**. After all, car travel is often the only way to move the pet long distances. However, what is alarming is that 21% of owners who travel with their pet admit to holding the animal on their lap while behind the wheel. A majority of owners—even those who do not drive with the dog in the driver's seat—admit to petting the dog while moving in the vehicle.

The news and information reported on this wrap-up represent the legal actions of attorneys throughout the United States. Our firm does not claim to represent plaintiffs in all of the lawsuits, settlements, and jury verdicts reported, only those noted as Levin & Perconti cases.

As with any other distraction in the car, these interactions with dogs while moving at high speeds could very well lead to tragic accidents. When accidents strike both the people in the car and the animals are likely to be hurt. The risk of harm increases with animals in the car, because in many crashes they act as projectiles. A design company confirmed that a large dog, around 80lbs, exerts 2,400 pounds of force if involved in a 30mph crash.

In the end, the risk and potential harm make travelling while distracted by pets an ill-advised choice. Be sure to contact a [Chicago car accident lawyer](#) if you have been involved in any car crash with a [distracted driver](#).

AUGUST 23, 2010

Chicago-Area Man Killed on I-57

NBC Chicago reported on another deadly [car accident](#) south of Chicago yesterday on Interstate 57. Joseph Nestor was walking southbound along I-57 near 183rd Street late in the evening with his brother. The two were walking along the shoulder of the road, but at one point Nestor accidentally veered in to the left lane of the roadway. It was then that an Infinity slammed into the back of him. Obviously the impact of a highway-speed traveling vehicle and a pedestrian causes extreme physical injury. Nestor was dead when police arrived at the scene, suffering multiple injuries from the collision.

Police are still investigating the cause of the accident. They are not yet sure if speeding was involved (the limit is 55 mph at that location). It is also unclear exactly how Nestor and his brother were walking along the highway. Authorities mentioned that for a pedestrian to reach that point of the road, they would have had to scale a fence. Nevertheless walking anywhere near a highway lane or shoulder should be undertaken only when absolutely necessary in emergency situations.

This marks the end of a particularly deadly weekend on I-57, with 4 deaths occurring in three separate incidents on that particular freeway. These large, well-traveled, high-speed roadways offer particular risks to drivers, passengers, and pedestrians alike. The speed of the vehicles often makes [highway crashes](#) more frequent and deadly than other accidents. It is for that reason that our [Chicago car accident attorneys](#) at Levin & Perconti urge particular care be taken when using these highways. It takes virtually a split-second of error to create a chain reaction of events that destroy property, cause emotional havoc, and destroy countless lives.

AUGUST 21, 2010

I-55 Car Accident Causes Large Fuel Spill

Car accidents can occur virtually anywhere, from parking lots to freeways. Most of the time the damage from these events occurs instantly from the physical impact on the vehicles. Protection from the physical jolt and collision is what most safety experts protect against in vehicle manufacturing. It is for that same reason that seat-belt laws swept the country, requiring all drivers and passengers to be strapped into the car to limit harm following an impact.

However, a much less common, but still deadly risk occurs following these accidents, in the moments when those involved let their guard down. Cars are complicated, heavy machinery that include countless heavy movable parts and combustible substances. When these machines are torn and smashed in an accident, the after-effects can never be fully known. Most dangerously, fuel spillage after a crash has the potential to seep far away from the initial site and ignite. The potential damage from a fire after the accident is high.

For example, the *Lincoln Courier* published a story today on an Illinois [car accident](#) that struck I-55 on Thursday. A twenty year old driver attempted to change from the right lane to the left while on the highway. However, she misjudged the lane change and hit the end of a trailer, bounced off a guardrail and then smashed into the truck yet again. The semi's gas tank ruptured during the incident, spilling nearly 130 gallons of diesel fuel onto the roadway and into a creek below.

Fortunately, rescue crews, including hazardous material teams, were able to arrive on the scene quickly enough to keep all onlookers away from the dangerous location while clean-up was underway. No further injuries were reported.

The lesson to be learned from this crash and similar accidents is that the scene of any [car wreck](#) may pose many hidden dangers. As our [Chicago car accident attorneys](#) at Levin & Perconti know, extreme care should be taken at all time at or near these scenes to protect against lurking risks.

TRUCKING ACCIDENTS

AUGUST 30, 2010

Two Teens Killed in Truck Accident

A community is still in shock after two high school boys were killed following a [truck crash](#) involving a semitrailer last week. As reported at *WAFF 48 News*, two 17-year olds were traveling in a 2002 Chevy Cavalier on rural roads on Tuesday afternoon. At one point the Chevy failed to stop at a stop sign near an intersection where a Peterbilt logging truck was traveling.

The collision caused extreme damage to the smaller Chevy car. Both teens were wearing their seatbelts, but that protection was still not enough. Each was pronounced dead at the scene when emergency personnel arrived.

The Center for Disease Control and Prevention reports that motor vehicle crashes are the leading cause of death for teens. The numbers of teen driving death are startling, with around ten drivers between 16 and 19 years old killed every day in auto accidents. In particular, the most frequent accidents involve teenage males driving with other teenage males in the car—just like in this recent tragic crash. Teens are less experienced behind the wheel and unable to recognize potentially hazardous circumstances.

While teens are more likely to get into accidents, crashes that involve trucks are more likely to cause severe damage to vehicles involved. Obviously the sheer size, weight, and force behind semitrailers make them menacing vehicles on the roadway. Any impact where that force is involved is likely to cause immense damage. Our [Chicago truck accident attorneys](#) at Levin & Perconti continue to learn about [semi crashes](#) that involve severe injury and death. Be sure to remain extra vigilant when sharing the road with these machines.

The news and information reported on this wrap-up represent the legal actions of attorneys throughout the United States. Our firm does not claim to represent plaintiffs in all of the lawsuits, settlements, and jury verdicts reported, only those noted as Levin & Perconti cases.

AUGUST 28, 2010

Two Severely Injured In Illinois Semi Accident

Chicago Breaking News Center recently reported on an accident involving an SUV and a semitrailer in the far western suburbs of Chicago. The **semi accident** occurred late Thursday evening on Interstate 88 (Ronald Reagan Memorial Tollway) near the town of Elburn.

From what police have been able to piece together since the crash, two women in their 20s were driving a Honda CRV east on Interstate 88, just west of Illinois 47. Around 10:30pm the SUV—for reasons still unknown—crossed the median and started driving into oncoming traffic. It wasn't long before the SUV struck an oncoming semitrailer. The Honda hit the truck on the rear axle, sending both vehicles out of control.

Upon arriving at the crash scene, one woman had to be extricated from the SUV. A helicopter was called in to transport the more severely injured woman to a local hospital. Both women suffered several broken bones, but fortunately none of the injuries appear life-threatening. The truck driver escaped without any major injuries.

Any time that a crash involves a semi truck—especially one that is hit by oncoming traffic—the consequences are usual severe. Our **Chicago truck accident attorneys** at Levin & Perconti continue to see the often deadly effects of these crashes. Whatever caused the accident here, whether it was vision problems in the night, speeding, or some other malfunction, it is imperative for all drivers to remain alert for possible trouble on the road. Drivers remain at the mercy of one another's actions while sharing our roads and highways. Please take care while on the road—for all our sakes. If you've suffered at the hands of a driver who has failed to take appropriate precautions, please contact a **truck accident lawyer** to learn more about your rights.

AUGUST 26, 2010

Illinois Truck Driver Involved In Fatal Crash While Parked

A unique **truck accident** that struck in Oregon last night claimed the life of an SUV driver reports *Fox News 12*. The crash occurred around 10pm yesterday evening. Richard Clay, an Illinois truck driver, was stopped in a trucking park area at that time after a long day on the road. He was sitting in the sleeper berth portion of the vehicle watching a movie when he felt a sudden jolt. Apparently, a still unidentified driver of a Honda SUV had slammed into the bed of the parked semi. The collision caused a fire to erupt almost immediately. The flames engulfed the SUV and part of the semi. Clay was able to get out of the sleeper berth, but he could not help the SUV driver. That driver died as a result.

The specific cause of the unfortunate accident is still unknown and authorities are asking anyone who may have been in the area to contact them with information. Whatever the case, the truck crash is another example of the hazards that exist while traveling, both on the road and near it. Those dangers increase in the evening, when the sun disappears and visibility is limited. When a driver loses the ability to clearly see everything in front of him, even basic circumstances pose risks. For example, it is likely that the SUV driver would never have run into a parked semi had it been light outside—but that all changed when darkness obstructed his view.

No matter what the specific cause, there is a good chance that this **truck crash** involved a breach of driving care. The only way to ensure that our roadways remain as safe as possible is to hold all negligent drivers accountable for their errors. Abiding by that basic standard protects both the negligent drivers themselves and those who they risk on the road. If you have suffered at the hands of a bad driver, please contact a **truck accident attorney** today.

AUGUST 24, 2010

Semi-trailers and Cars Attempt to Beat Chicago Trains

ABC 7 News examined the risks that car and truck drivers take every day in the Chicago area while attempting to drive in front of local Metra trains. The problem seems to be growing this year. Train operators note that total train accident deaths in just the first five months of 2010 are almost the total for the entire year in 2009. With a 1,000-ton train traveling down the track at 70 miles per hour, there is almost no such thing as a "minor" train accident. Each incident is extremely costly.

Yet, car drivers, truck drivers, and pedestrians still often refuse to wait for a train to pass at a crossing—willing to take the risk while trying to dart in front of an oncoming train. The investigation noted that the risk is higher during rush hours and in construction zones. Drivers seem ever more impatient at those times and locations, willing to risk more. At one location on the test ride, investigators noticed the tail end of a semi stopped on the tracks while a train moved toward it. The semi was able to get out of the way with only seconds to spare. Train engineers report that those close calls occur every single day.

Our **Chicago truck accident attorneys** at Levin & Perconti understand the extreme risk any driver, especially truckers, take when attempting to beat a speeding train. The perception of the driver when on the road and staring down a track is often dangerously skewed. It is impossible to know exactly how fast a train is going, how long it will take to arrive at the crossing, and how long it will take the vehicle to drive across the danger area. This is even truer for semi-trucks, which have long beds to get across the track zone. Under no circumstances is the small time savings worth the risk of damage and death that comes with a **train accident**.

AUGUST 22, 2010

Illinois Man Dies After Vehicle Hit By Semi

Often in **fatal vehicle accidents**, the cause of the crash is a blatantly obvious driving mistake that everyone knows should never be made but that occur all the time. For example, the *Evansville Courier & Press* reported last night on a tragic **truck crash** in Illinois caused by a young driver's failure to stop at a stop sign.

The accident occurred early on Friday afternoon in rural Clay County. The young driver of an SUV was traveling on a sparsely used country road when he failed to stop at a stop sign. While traveling through the intersection, he was broadsided by a large flatbed semi. The impact of the vehicle caused the SUV to careen off the road, ending up in a cornfield. Shortly after stopping in the cornfield, the vehicle burst into flames.

The semi also caught fire after the incident, but its driver and passenger were able to get out of the vehicle with only minor injuries. The truck driver and passenger valiantly attempted to rush to the SUV to help remove the driver before the flames engulfed it. However, there was too little time, and the driver ended up stuck the SUV. He was ultimately burned beyond recognition.

The news and information reported on this wrap-up represent the legal actions of attorneys throughout the United States. Our firm does not claim to represent plaintiffs in all of the lawsuits, settlements, and jury verdicts reported, only those noted as Levin & Perconti cases.

Hopefully all drivers know that all traffic signs must be obeyed intimately. Stop signs in particular can never be ignored. At stop signs in rural, unpopulated areas it is often tempting to perform only a partial yield or fail to stop all together, because it is assumed that if a driver does not see any other vehicles around than there must not be any risk to driving through. However, while behind the wheel our perceptions are never flawless. We often glance around the road so quickly and casually that we subconsciously feel that the road is empty, when in reality another vehicle is actually barreling down. Our [Chicago truck accident attorneys](#) at Levin & Perconti offer sincere condolences to the victims in this tragedy and urge drivers throughout the state not to take any risk while on the road. The consequences of being on the wrong side of that risk are too great.

BRAIN INJURY

AUGUST 27, 2010

\$3.1 Million Verdict Awarded to Nursing Home Resident

On September 17, 2007, Barbara Lefforge entered St. Edna Nursing home for rehabilitation purposes. Barbara had just had surgery to repair tendon damage in her foot. Barbara's surgeon mistakenly prescribed 50mg of Morphine when he had intended to prescribe her 50mg of Demerol.

The improper prescription was noticed by the pharmacist from whom the medication was to be received, but nevertheless St. Edna administered all of the morphine they had in stock (a total of 30 mg). Upon the drug administration, Barbara suffered an overdose. St. Edna failed to monitor her and failed to bring her to the hospital until the next morning. Consequently, Barbara suffered a significant [brain injury](#). This injury led Barbara to file a [medical malpractice](#) action against both her original surgeon and St. Edna.

The jury found St. Edna 90% at fault and her original surgeon 10% at fault. Sadly, Barbara was only at St. Edna a little over five hours when the negligence that caused her injury occurred. This was an injury that could have easily been avoided, and one that happens all too often in both hospital and nursing home settings.

Doctors are not perfect, and as such a system of checks helps to mitigate the damages that some of their mistakes can cause. The pharmacist in this situation correctly told St. Edna that the prescription was a mistake, still, St. Edna failed to listen and now both Barbara and St. Edna need to live with the consequences of St. Edna's negligence.

To read more personal injury news, please visit our blogs:

- **Illinois Injury Lawyer Blog:** <http://www.illinoisinjurylawyerblog.com>
- **Illinois Nursing Home Abuse Blog:** <http://blog.levinperconti.com>
- **Illinois Medical Malpractice Blog:** <http://medicalmalpractice.levinperconti.com>
- **Chicago Car Accident Lawyer Blog:** <http://www.chicagocaraccidentlawyerblog.com>
- **Illinois Truck Accident Lawyer Blog:** <http://www.illinoistruckaccidentlawyerblog.com>
- **Chicago Birth Injury Lawyer Blog:** <http://www.chicagobirthinjurylawyerblog.com/>
- **Chicago Brain Injury Lawyer Blog:** <http://www.chicagobraininjurylawyerblog.com/>

Levin & Perconti is a nationally renowned law firm concentrating in all types of personal injury, medical malpractice and wrongful death litigation. The lawyers at Levin & Perconti are committed to protecting and vindicating the rights of people who are injured by the negligence of others. Please contact the firm at (312) 332-2872 or visit www.levinperconti.com for more information.