



Insider's Legal Guide

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Hot Coffee

Burning Through the Lies Surrounding Tort Reform

The McDonald's Case. Everyone's familiar with it. A woman spills coffee on herself while driving and sues McDonald's for tens of millions of dollars because the coffee was hot. Just another example of an out of control litigious society and a person looking for quick money. Right?

What would you say if you discovered you were wrong? That the "facts" of the case were not only distorted but were used in a concerted effort by big business and their cronies to restrict your access to justice?

An eye-opening film does just that - and much much more.

Hot Coffee is a new documentary that successfully pulls back the veil of deceit that spawned the tort reform movement that fooled many into believing it would help consumers. This movement, spearheaded in Texas, has led to crippling damage caps and obstacles to justice.

As a trial lawyer and advocate for individuals' rights, I have seen firsthand the effects of tort reform on our citizens. The deceit and backroom dealings that created the campaign for tort reform that resulted in far reaching damage caps are shocking.

Hot Coffee covers a lot of ground during its running time and isn't restricted just to the facts of the McDonald's case. It accurately lays out the tactics that have been used to not only place caps on damages,



but how juries have been silenced, employees have lost their day in court and how corporations and their lobbyists have poured their time and money into brazen efforts to elect pro-reform judges. And it does all this in an entertaining, thought-provoking way using real world case studies and interviews.

I could go in depth about the events and facts discussed in the film, but honestly, it would be impossible for me to make the impact that this film does. When you see the faces and hear the stories firsthand of those who have seen their access to justice unrightfully ripped from them you will understand.

Hot Coffee is currently being shown on HBO, HBO On Demand and HBO GO. For those without access to HBO, you can sign up for updates on DVD availability by visiting the film's official website - www.hotcoffeethemovie.com.

I would also suggest that you check out the *Take Action* tab on their website. There you will find information on how you can fight to overturn the decades of attacks on YOUR civil justice system.

Want \$25 in hot coffee for yourself? Check out page 2!

Ask Jeff



What is the statute of limitations for a medical malpractice case?

Although it can vary from state to state, the statute of limitations is usually between 2-7 years. This time limit starts from the time you felt a medical professional treated you wrongly, when you first learned of the negligence, or when you stopped receiving treatment.

For most cases in Texas, the SOL is 2 years. You lose your chance at justice if you fail to file within this time period. This is one of many reasons why it is so important to contact an attorney as soon as possible.

Visit www.insiderslegalguide.com for video answers to your most frequently asked questions.

Get Video Answers Today!



Did you know you can watch as Jeff answers the most frequently asked questions about auto accidents, medical malpractice, daycare abuse and birth injuries?

Visit www.insiderslegalguide.com today to get the answers you are looking for. Don't forget to request your free copies of Jeff's Insider's Legal Guide Series of books while you're there!

Hot Coffee = Free Coffee

Enter to win a \$25 Starbucks Gift Card!



In honor of the groundbreaking documentary *Hot Coffee*, we want to give two lucky people *Free Coffee*.

Entering to win one of two **\$25 Starbucks Gift Cards** is simple!

1. Visit www.facebook.com/theRasanskyLawFirm
2. Leave a comment about Hot Coffee or tort reform in general
3. That's it!

We will draw two names from the list of people who have commented and send your gift by the end of the month!

The Painful Truth Facing Some Wrongsite Surgery Victims

How tort reform and damage caps have restricted victims' access to justice

A recent article in the Washington Post discussed the epidemic of wrong site surgeries in our operating rooms. Wrongsite surgeries happen when the wrong part of the body is operated on. The article pointed out the increase in reported incidents despite mandatory safeguards that were put in place since 2004.

As part of the discussion, the author points out the lack of legal action as a contributing factor to this increase. Unfortunately, she doesn't expand on this. I will.

It is true, attorneys are hesitant to take these cases, and many medical malpractice cases in general. The fact is, damage caps and tort reform have made it impossible for lawyers to pursue every legitimate case presented to them. Trying a medical malpractice case is extremely time consuming and expensive.

These types of cases are usually taken on a contingency basis. This means the law firm flips the bill for the multitude of medical records, expert witnesses and so on. Attorneys only collect money if a settlement or favorable decision is met and this can take years.

With the current damage caps limiting the total amount of money a person can receive, this has forced attorneys into only accepting those catastrophic cases that are financially possible for the firm as well as the client.

This is an issue I struggle with on a daily basis. It is by no means easy to reject the cases of victims who are desperately seeking help. Many have a legitimate claim against a medical professional, but damage caps and tort reform have made it impossible to represent them because they weren't hurt enough. It is just simply impossible and

financially reckless to spend the time and money to pursue a case that will only result in additional expenses and disappointment for the client or firm.

Knowing this, it's not surprising to see the article cite a study that says only one in three of these wrong site mistakes result in a medical malpractice case. While sad and extremely frustrating to both attorneys and victims – this is the current atmosphere we live in.

In many ways, the legal system has been manipulated from a source of justice and protection for individuals to a system of protection for corporations and insurance companies.

If you read this and feel angry, you should be. Absurdly low damage caps do nothing for you as an individual. All these so-called reforms do are protect those who injure individuals and dictate what your injury is worth.

Next time a politician says these reforms are there to drive costs down and help consumers, call them out for it. It's a blatant lie spread to limit your access to justice and protect the deep pocket books of those who contribute to their campaigns. Not only have healthcare costs continued to rise, despite tort reform and damage caps, but so have instances of medical negligence and malpractice. Remember this next time you are in the polling booth.

Wanna Know More?

Check out the eye-opening documentary, Hot Coffee. This critically acclaimed film does an amazing job of laying out the facts surrounding so-called tort reform.

You can currently catch it on HBO through the end of September.

Don't have HBO? Visit www.hotcoffeethemovie.com to pre-order the DVD and learn more about the filmmakers and how you can take action!

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- Buckfire & Buckfire, PC – Personal Injury Law Firm, Michigan - www.buckfirelaw.com
- Allmand Law – Bankruptcy and Dept Relief, DFW - www.allmandlaw.com

We also want to thank all of the other businesses, current and former clients, family members and friends for their recent referrals. Please, do not hesitate to contact us if you or a loved one is in need of legal assistance. If we can't help you, we know somebody who can.

Thanks Everyone!

Refer Your Loved Ones to Us Today, *Because You Care Enough to Help*