



The Road to Justice Starts Here...

BenGlassLaw.com

Malpractice - Accidents - Insurance Disputes

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This newsletter is published by the law offices of Benjamin W. Glass, III & Associates, P.C. It is for informational purposes only and no legal advice is intended.

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## Chiropractor pleads guilty to defrauding insurance companies

An Austin, Texas, chiropractor pled guilty to defrauding insurance companies. According to a plea agreement filed in federal court, this chiropractor used "runners" to review police accident reports. He then allegedly altered the accident reports so that no one else would contact the accident victims and sign up victims for care. He allegedly paid the runners \$250 and then billed for treatment he never provided. He faces 20 years when sentenced.

*Note from Ben:* The use of "runners" to track down accident victims via police accident reports is perfectly legal and, amazingly, ethical under the ethics rules of the District of Columbia. This practice is highly unethical, in fact condemned, here in Virginia. If you are ever contacted face to face after being involved in an accident in Virginia, contact **Ben Glass**. He will put you in contact with the proper authorities.

## LIVING WILLS

If the Terry Schiavo case hasn't led you to at least talk to your family about "end-of-life matters," then this article probably won't do it either.

Nevertheless, you should get down in writing what it is you want to happen if you become incapacitated or if you die.

For simple wills, advance directives, and living wills, call my friend **Sherri Abrams**. Sherri leases an office from us and really knows what she is doing. During the Schiavo publicity, she had a steady stream of new (and old) clients calling and visiting to get their affairs in order.

If you weren't one of them, call her at **703-934-5450**.

## Medical malpractice "Three Strikes Law" comes to Virginia



There was another huge medical malpractice battle in the Virginia General Assembly this past winter. The insurance companies and doctors lobbied for more protection for themselves and less for patients.

What they got instead was a new law that requires the Virginia Board of Medicine to hold a competency hearing for any doctor who pays three medical malpractice claims in any ten-year period.

Most Virginia doctors do a fantastic job in providing good health care to their patients, as pointed out in a recent series of articles in the *Washington Post*; however, there always have been a few bad apples that present a real danger to your health. This new "Three Strikes" law should help Virginia reduce the number of "repeat offenders" here in the Commonwealth by forcing the Board of Medicine to take a closer look at physicians who settle or lose three claims in a ten-year period.

## Debunking the malpractice myth—one state at a time

The *Seattle Post-Intelligence* recently reported some interesting figures from its state's malpractice lawsuits. Apparently, the state insurance commissioners finally forced the state's malpractice insurers to cough up some real data. (a point that we raised about Virginia at our [www.tort-reform](http://www.tort-reform.com) Web site). Guess what? No "crisis."



*I wonder how many doctors in Texas and Washington bought the "blame the lawyer" nonsense without so much as a whisper, all the while forking over their hard-earned money to the insurance companies?*

### Results of investigation

- 10,000 closed malpractice claims in ten years
- 50 jury verdicts in favor of patient (note: not 50%, but 50)
- 3,248 cases closed with no payment to patients and no payments for defense costs
- 2,700 resulted in some payment to patients
- 3,721 defense "wins" at trial
- Of 10,000 claims, only 200 resulted in payment in excess of \$1 million.

During these ten years (but before anyone on the outside looked at or analyzed any data), the insurance companies had lobbied the Washington state government for "relief." After they finally discovered the truth, the insurance commissioners ordered refunds to be paid from the insurance companies to the doctors.

In Texas, a study of malpractice claims from 1988 to 2002 found little to support common assertions of baseless lawsuits and doctors settling frivolous claims. Instead, according to David A. Hyman, a professor of law and medicine at the University of Illinois, what they found was a "sea of calm" in Texas medical malpractice claims.

I wonder how many doctors in Texas and Washington bought the "blame the lawyer" nonsense without so much as a whisper, all the while forking over their hard-earned money to the insurance companies? The next time you see one of those "We are collecting extra money from our patients so we can pay our malpractice bill" signs in a doctor's office, please tell your doctor to take a stand—against their malpractice insurance company.

## Drinking and driving is very expensive



Another court has ruled that drunk drivers may not even be able to have their medical bills paid, even if they are not convicted of drunk driving.

According to actual court documents, Bryan Tourdot sued his health-insurance company after it refused to pay the bills associated with his car accident. It turns out that hospital records showed that his blood-alcohol level was above the legal limit.

Buried deep within his health-insurance contract (you might want to look at yours right now) was a clause that said the insurance company would not pay if the injuries were caused by an "illegal act."

The court said that even though Mr. Tourdot was never even charged with "drunk driving," his own medical records were enough to justify nonpayment of the claim.

*Advice from Ben:* Don't drink and drive. Between the increased car insurance premiums, the punitive damages you may be liable for, the DWI defense attorneys, and, now, paying your own medical bills, you are just creating a financial disaster for yourself.

## Tidbit about Ben

*By Attorney Sandra Rohrstaff*

I wrote an article about Ben in the last issue of the newsletter and invited people to share tidbits they knew about Ben. I also promised to publish one in the newsletter. The first tidbit comes from Jennifer McSorley-McLaughlin.

Jennifer needed a referral to a Maryland attorney, and we gave her one. Unfortunately, she found that law firm was not very responsive to her, and she wrote Ben a letter to let him know about her disappointing experience. Here's what she said next:

"Several weeks later, I was blown away when I received a **handwritten** note from Ben apologizing for the situation and stating that he personally would look into it. That was an incredible personal gesture I will never forget. That is class. That is caring."

Thanks, Jennifer. Your copy of *1003 Great Things About America* is on the way.



## Free books and tapes from the lawyers at

**BenGlassLaw.com**

**B**elieving that learning should not be wasted on the young, we are big readers and listeners of inspirational books and tapes. Ben Glass is always on the lookout for these books and tapes to share with his readers and clients.

*This month, you have a choice of one of three really cool works:*



*Simplify Your Life*, Elaine St. James. This six-hour tape set is a refreshing and much-needed antidote to the disorder and frenzy that so many of us face in our daily lives. St. James teaches how we can just “get rid of” a lot of things that we think are necessary (but really aren’t) in our lives. This is Juliet Purl’s favorite. The retail price on this tape set is \$29.95.



*Creating Miracles Every Day*, Richard Carlson, Ph.D. In this two-hour tape set, Richard Carlson tells you how to bridge the gap between what you think you want and what will make you happy. This goes along with our “Attitude is Everything” theme here at BenGlassLaw. Sandra Rohrstaff took one of these tapes and put it in her car as soon as we got them. The retail price on this tape set is \$18.00.



*Life is not a Game of Perfect*, Bob Rotella. This is Ben Glass’s favorite. (Since it was written by the same guy who wrote “Golf is Not a Game of Perfect” and Ben tried to take up golf a few years ago and found out he was a far, far cry from perfect.) This book shows how talent takes a back seat to character, attitude, and devotion. The retail price on this book is \$22.00.

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and put “Free Book Offer” in the subject line. Remember, we have limited quantities of each and reserve the right to substitute should your form arrive after one or more of these books is gone.

YES, send me the free books/tapes I have circled below. I understand that these are free gifts from BenGlassLaw in exchange for the names of Virginia residents who would also benefit from your law firm’s free newsletter.

I would like (circle where appropriate)...

*Simplify Your Life*      *Creating Miracles Every Day*      *Life is Not a Game of Perfect*

Send my books/tapes to me at: Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
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Please add the following people to your free newsletter subscription list:

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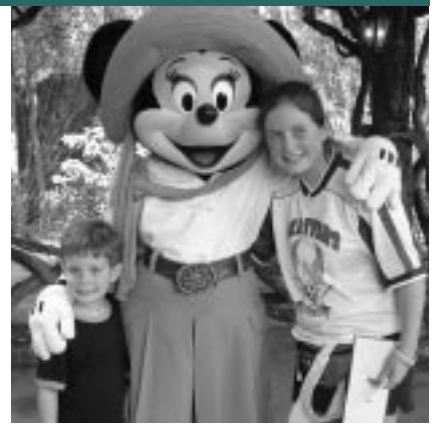
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## Trip to Disney

*Two of Ben's children, Matthew (5) and Kelsey (13), visit with Minnie Mouse.*

Ben Glass and his wife Sandi drove (yes, drove) the four younger kids to Orlando for a first-ever trip to Disney. What a world! We loved it, even though the week before Easter ranks as one of the favorite weeks for everyone else to go there, too. We give Disney great credit for innovation, cleanliness, and terrific customer service. We highly recommend the cabins in the "Wilderness Campground" for those traveling with families who don't want to contend with the hassle of hotel living.



## Chance meeting with Pope Benedict XVI



Sister Brigid Mary, formerly known as Patricia Glass of Annandale, sister to Ben Glass and (chief assistant) Terry Patterson, is seen here with Pope Benedict XVI the day after he was chosen to be the new Pope.

The Pope made an unexpected visit to his former residence, where he met Sister Brigid Mary. The Pope had returned to collect some of his things from his apartment and had come to call on Cardinal Laghi, a dear friend. Sister Brigid Mary, a Religious Sister of Mercy, is a nurse working at the clinic at the North American College in Rome, Italy.

*Pictured, Pope Benedict XVI, Cardinal Laghi, Sister Brigid Mary.*

*Photo credit: Observatory Romano*

## Client of the Month

### Beverly Bugos

We love our clients who "get involved." Beverly Bugos has been a friend of ours for several years. Ms. Bugos is very concerned about how the long-term disability insurance companies treat claimants, and recently she took the time to "take it to the government" and testify before a Department of Health and Human Services Committee studying the legal implications of chronic fatigue.

It is very important that the people who are supposed to be looking out for our interests in Washington really understand what is going on "on the ground." Beverly also told the Committee about our book, "14 Ways to Guarantee That Your Long-Term Disability Claim Will Be Denied" (see [www.TheDisabilityBook.com](http://www.TheDisabilityBook.com)). We can't thank Beverly Bugos enough for advocating on behalf of **others**, and it is for that reason that she is our "client of the month."

## Introducing Attorney Armand Alacbay

We keep growing! In order to handle all the referrals our clients, former clients, and readers of this newsletter make, we have hired our fifth attorney.

**Armand Alacbay** is a graduate of the University of Virginia and George Mason University School of Law. He interned with the Fairfax County Circuit Court judges and worked with us as a law clerk while he was in school. He will help us handle our accident and workers' compensation cases.

In his spare time, he (and Attorney Juliet Purl) plays ice hockey in various adult hockey leagues. You often can find him on the ice at midnight at the local ice rink.

Contact Armand and say "hello" at [aalacbay@BenGlassLaw.com](mailto:aalacbay@BenGlassLaw.com).



*Attorney Armand Alacbay stands ready to help you with your workers' compensation case.*

## More shameful lawyer advertising Florida lawyer disbarred

The Supreme Court of Florida recently disbarred an attorney who had a rather unusual method of generating clients. According to the Court's ruling, Attorney David A. Barrett hired an ordained Pentecostal minister to work as a paralegal in his office.

The minister was told to "get business," so he took a chapel course at Tallahassee Memorial Hospital and shortly thereafter began seeing patients. While praying with the patients and families, he would give them one of Barrett's business cards and suggest they call his personal injury office. The minister also referred other people to Barrett and received a share of the attorney's fee for doing so. The Court found that Barrett condoned and even encouraged these highly unethical practices.

We agree with the Supreme Court of Florida that this sort of conduct "brings dishonor and disgrace not only upon the attorney who has broken the rules, but also upon the entire legal profession."

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This month's  
trivia question...

(It's really easy.)

What law school did Ben Glass  
graduate from?

The first ten responses by e-mail  
([Ben@BenGlassLaw.com](mailto:Ben@BenGlassLaw.com))  
or fax (703-783-0686)  
get copies of a great book,  
*Dispensing with the Truth, the Story  
Behind the Battle Over Fen-Phen.*

## Answers to last month's Trivia Contest

Last month we asked what two things Michael Dell, Walter Cronkite, Peter Jennings, and a whole bunch of other "famous people" have in common.

The answer (and we gave away ten free books to the winners) was (1) **all are millionaires or multimillionaires** and (2) **none has a college degree**. Thus, the title of the book we gave away was *Attitude is Everything*.

Just had this conversation with my son, Brian, as he was choosing what law school to head to this fall. I reminded him that Dad went to a school that was so new (at the time) that it was on no one's "map." Point being that a successful career is not built on the name of the school you went to (or even if you have any degree at all), but, rather, on what you choose to do with your life after you get out. Far too often, people make educational decisions based on perceived "prestige." We've got news for you. You are probably going to be working for 40 years after you get your degree. Two years after you graduate, no one cares where you went to school. The marketplace pays for results, no matter what business/occupation you end up in.