



**PAGE 1**

- **Response to My Article About the Mother Who Got Sued**
- **We Get Questions...**

**PAGE 2**

- **Don't Let Them Make You Feel Guilty**

**PAGE 3**

- **One Doctor—Hundreds of Malpractice Cases**
- **Surgeons Involved in Over Half of All Malpractice Lawsuits**
- **America's Newest Expert**

**PAGE 4**

- **BenGlassLaw to Sponsor Autism Awareness 5K**
- **Cheating Your Life Insurance Company Never Pays**

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## Response to My Article About the Mother Who Got Sued

Whoa... struck a nerve with the article last month about the mother who got sued after a 19 year old snuck beer into her house, got into a car with one of his drinking mates and was catastrophically injured when his friend wrapped the car around the tree.

Surprisingly, some wrote to tell me that they felt the mother did have responsibility, and "how would I feel if it was my child who was injured?"

A very famous attorney, and friend, Jack Olender took the time to express his sentiment about my comment regarding frivolous lawsuits:



Dear Ben:

I usually enjoy your newsletters. The most recent one, though, disappoints me because in "This Lawsuit is Crazy!" you say "Yet this 'blame game,' which clogs our courts with frivolous lawsuits." Because of the wide circulation of your newsletter and the fact that you are a well-known lawyer, I am afraid this statement will end up as grist for the tort "deformers'" mill to be used to help destroy our clients' rights to trial by jury and equitable damages. As I understand the true facts, frivolous lawsuits are few and far between and we should not fall into the Chamber of Commerce's trap of dignifying their strategy.

Best regards.

Cordially,

*Jack Olender*

I tend to agree with Jack's assessment that the truly frivolous lawsuits are really few and far between—and that's why they make the news! Perhaps I got carried away with this particular case, but I do understand that others may have a different view. I really appreciate the folks who took the time to read the article and to give me a comment!

## We Get Questions...



**Q:** I accidentally broke a window while playing on a golf course. Am I liable for paying for this window? One would think that it's the home owner's issue, as they assume liability for living on a golf course.

**Ben's answer:** Yes, you are liable and you should pay for it as a matter of common courtesy. It would be one thing if the homeowner placed his home in the middle of the fairway, but he didn't. His home is out of bounds. When, through your carelessness, you hook one into his kitchen, you are liable to him for the damage you caused.

## Don't Let Them Make You Feel Guilty



I've been talking to kids recently. Not really kids, but young adults. College students and law students. Know what they say?

They are afraid. They don't like what they hear about the economy. No jobs.

They are surrounded not only by bad news in the headlines, but by "Eeyores." Good 'ol Eeyore. "There's always a darker day coming."

Most of the time, this attitude comes from their friends. If they are surrounded by whiners, it's soooooo easy to jump on board. Sometimes, though, it's their professors and other administrators reinforcing this doom and gloom. One career-counseling official at a Virginia university was quoted as saying that her office was not very busy these days because, it seemed to her, "students had just 'given up.'" (Wonder what's she's doing to try to reverse that thinking? Probably not much!)

Then there are the kids who have a legitimate worry. "What's the point of financial success" they say, if the government is going to continue to demonize "the rich" through massive confiscatory taxation and regulation?

Oh, gosh. What to do?

Here's what I tell 'em when they ask:

First, remember that America is still the land of limitless opportunity. *Inc.* magazine recently profiled 16 entrepreneurs who were (1) developing new products and services, (2) hiring people and (3) raising money. What? Thriving in a down economy? Well, guess what? They are all college students!

One University of Houston student owns (yes, I said owns) three donut and ice cream (what a combo!) stores that will gross over \$1 million this year. Another student launched a bottled-water brand. Bottled water, of all things!! He figured out a different way to pitch it; grosses over \$650,000 a year, from which he donates more than \$50,000 back to charity.

Now, there will always be winners and losers. Plain and simple. That's life. However, don't let anyone tell you that winners and losers are somehow predetermined. Race, religion, disability, location, bad home life are not predictors of success or failure. You set out to win and you can win, no matter who you are. It also is not your moral or social responsibility to limit your own achievements in order to make the 80 percent feel better about the lack of their own achievements. Don't feel guilty about the success you achieve because you work while others "Twitter!"

The world always will break down into what I call 80-15-5. Eighty percent of the people will make deliberate choices to live average lives. The top twenty percent will step over and around the bottom 80 percent to excel. This is why most of the world's wealth, by the way, is controlled by a relative few. It's neither unjust nor unfair. It's there for anyone to attain. It's a matter of choice. And of that top twenty percent, a small portion will lead extraordinary lives. Again, not by luck, but by deliberate choice.

Guard yourself against the world that is conspiring against you. The masses would rather you NOT succeed than focus on putting in the time/effort/work to reach success themselves. It's easier on them. They do this by sucking you into bad habits, poor self-discipline and distracting you from your priorities.

The college students profiled in *Inc.* magazine made a choice to focus on success, work their butts off, and ignore those professors and administrators who teach about the inherent "unfairness" of the accumulation of wealth by the few. These kids hang out with winners. As I said before, it's not race, religion or upbringing which predicts success. The #1 predictor? Who are you hanging out with now??

By the way, it was the March 2009 issue of *Inc.* that profiled these winners. You can make a choice to go to the library (you know, that big building, unlimited supply of free education) and read that issue to see what these kids are doing. Or you can make a choice to HOPE that BIG GOVERNMENT comes and bails out your butt one day.

# One Doctor—Hundreds of Malpractice Cases

A fugitive surgeon who formerly ran a sinus clinic has been found guilty of medical malpractice in a patient's death.

In 2004, 50-year-old Phyllis Barnes died of throat cancer, but Dr. Mark Weinberger had diagnosed her as requiring sinus surgery. Shortly before Barnes' death, Weinberger abandoned his medical practice in Merrillville, Indiana, and fled to Greece, deserting his wife in the process.

In Indiana, medical malpractice claims first go before a panel of three physicians that are chosen at random in hopes of avoiding a trial by jury. In Weinberger's case, the three-person panel was unanimous in its decision that he was guilty of negligence in the death of Barnes.

However, Weinberger's insurance company has refused to pay the judgment due to his status as a fugitive and won't cooperate. Attorney Kenneth Allen says that the Indiana Department of Insurance should pay the judgment instead, so that Barnes' family will not be required to take part in a trial by jury. According to Allen, Weinberger has hundreds of cases pending, but this is the first and only one in which a decision has been made.

## Surgeons Involved in Over Half of All Malpractice Lawsuits

It is well known that surgery is never without risks. Whenever anesthesia and surgical procedures are involved, the possibility of something unforeseen occurring is always present. However, a bad surgical outcome clearly caused by procedures below the accepted standards of care and treatment is not a risk; rather it is surgical medical malpractice.

Half of all medical malpractice suits filed in the U.S. involve surgeons. Not only do these cases involve surgical mistakes, they also can involve errors during pre-operative work-ups and during the post-operative recovery period.

Each day, there are millions of surgical procedures performed. The incidence of surgical malpractice is higher than commonly known. Errors can take place with anesthesia, the wrong site being operated on, or the wrong limb being amputated.

Some surgical procedures that have commonly been involved in cases of surgical malpractice include LASIK eye surgery, gastric bypass surgery, cosmetic surgery, back surgery, orthopedic surgery, surgical instruments left

inside the body, and/or post surgical infection.

Occurrences of surgical malpractice can have a major impact, not just on the patient, but his/her family, as well. Individuals must regain the ability to move forward with their lives and once again become productive members of the community again after a medical error.

In order for an individual to move forward, he/she must be able to access all that is available to him/her. Aid services and agencies can be costly and place undue financial burdens on malpractice victims.

An untold number of deaths across the U.S. each year are caused by surgical malpractice. Medical malpractice is the third leading cause of death in the U.S. behind heart disease and cancer.

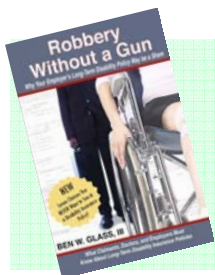
The majority of problems during surgery are caused by surgeon error, anesthesiology error, or hospital negligence. Patients and families are not equipped to determine fault in these cases and an experienced attorney's aid is necessary to fight your case.



## America's Newest Expert



Ben Glass was recently honored as one of America's Top 20 Premier Experts for his work in teaching marketing and entrepreneurship skills to attorneys across the United States. Here, he is being interviewed on the set of *America's Premier Experts* by Orlando news reporter, Tiffany Tift. You can find the complete video on YouTube.



## Is Your Only Disability Insurance Policy Through Your Employer?

You may be shocked to know how little coverage you actually have. Ben Glass has written the authoritative book on why your employer's disability policy may be a sham.

Go to [www.RobberyWithoutAGun.com](http://www.RobberyWithoutAGun.com) to get your copy.

RETURN SERVICE REQUESTED

Are you a local small business owner who has decided to not participate in the recession? Ben would like to talk to you about a local mastermind group he's forming. Send him an email.

## Inside— “Don't Let Them Make You Feel Guilty”

### BenGlassLaw to Sponsor Autism Awareness 5K



BenGlassLaw will be a major sponsor at Fairview Elementary School's "Autism Awareness 5K" which will be held at the Fairfax County school on Saturday, April 25th.

Ben and Matt (9) will run the 5K, while Emma (8) and Kevin (7) battle it out in the 100 yard dash.

As a sponsor, BenGlassLaw will be producing a special edition newsletter that will focus on Fairview's Autism program and Ben will also be making his book, "How to Buy Car Insurance in Virginia" available free for all participants and spectators.

### Cheating Your Life Insurance Company Never Pays

The family of a man who died "heli-skiing" won't be able to recover on his life insurance policy, according to a federal appeals court. The reason? When he applied for the policy, he was asked about "hazardous activities" and he didn't mention that he engaged in a sport where you get taken by helicopter to the top of a mountain, wear an oxygen tank, and try to ski down!

The court said that, "a reasonable, ordinary person would understand that a sport whose participants equip themselves with 'avalanche beacons' and 'Avalungs' and then ride in helicopters to the summits of isolated backcountry mountains in order to ski down ungroomed alpine terrain falls along with sky diving, hang gliding, and scuba diving into the common sense category of 'hazardous' activities."

This is consistent with my long-time advice: You must be brutally honest and forthcoming when applying for life insurance. The risk is that the company will rescind the policy after you die, leaving your family in dire financial straits.

### Reminder About Our Firm's Communication Policy

Our promise to you is that while we are working on your case, we don't take inbound phone calls, faxes or emails. Ben Glass takes no inbound unscheduled phone calls whatsoever. It makes him much more productive and helps get your case resolved faster. You can always call Ben's Assistant, Terry Patterson (703) 591-9829, and schedule an in-person or phone appointment, usually with 24-48 hours. This is a lot better than the endless game of "phone tag" played by most businesses today. Remember, too, that email is "quick," but is checked no more than twice a day. Replies are then scheduled into the calendar. So if it's really important, don't email – call Terry instead.