



BACHUS & SCHANKER, LLC

A T T O R N E Y S A T L A W

C O L O R A D O ' S I N J U R Y L A W F I R M

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Bachus & Schanker, LLC, client wins \$2.1 million verdict against drunk driver

On November 17, 2005, **Bachus & Schanker** client, Lezli M., was awarded \$2.1 million in compensation for injuries she sustained in an automobile accident caused by a drunk driver in Adams County, Colorado. On the morning of July 29, 2003, Lezli was driving to work, heading south on Highway 85 during rush-hour traffic, when a drunk driver, who was driving west on 136th Avenue at about 60 mph, ran a red light at the intersection of 136th Avenue and Highway 85 and crashed into Lezli's car, causing devastating injuries to Lezli.

At the time of the collision, Lezli, a 28-year-old mother, had just dropped off her 16-month-old daughter at day care before going to her job as a cleaning person at her church. Lezli's car hit a pole and rolled several times. Lezli suffered compound fractures of the left ankle and right ankle, a broken leg above her left knee, a broken left arm, a broken elbow, and internal injuries. Lezli was hospitalized for eight days at Denver Health and was transferred to Swedish Hospital, where she remained for another 16 days. Lezli was bedridden for over four months after this collision.

Prior to the collision, the at-fault driver, who had a prior history of drug and alcohol abuse,

had been drinking at an all-night party after leaving her job as an exotic dancer.

At the trial, Lezli, her family, and her doctors testified for two and a half days regarding the severity of her injuries, her ongoing rehabilitation, and the accident's impact on her ability to work in the future. In addition to Lezli's testimony, expert testimony was given by a vocational rehabilitation expert and an economist. The testimony was often emotional and difficult due to the catastrophic nature of Lezli's injuries.

"This is a great victory for Lezli," said **Bachus & Schanker** partner **Kyle Bachus**. "After all Lezli and her family have been through, it is wonderful to see her injuries and recovery efforts validated by the court.

The team of attorneys and staff at **Bachus & Schanker, LLC**, understand how devastating injuries from motor vehicle collisions can be. The attorneys and staff at **Bachus & Schanker, LLC**, fight every day to level the playing field for our clients, and fight for justice after such life-changing events. **Bachus & Schanker, LLC**, is proud to have had the opportunity to serve Lezli and her family.

National grassroots organization fights for civil justice

People Over Profits is a new grassroots organization sponsored by the Association of Trial Lawyers of America (ATLA) that is committed to fighting back against the well-organized and well-funded assault on the civil justice system, and protecting American civil rights and trial by jury. When someone you love has been seriously injured or killed by a careless medical error or a defective product or drug, shouldn't you have the right to hold the wrongdoers accountable?

"This new organization is a great tool for individuals and our clients to get involved and stand up for American civil rights," said **Bachus & Schanker, LLC**, founding partner

(continued on back page)



Child injuries

All parents make special efforts to protect their children from harm. We buckle them in car seats and monitor them at play. We safety-proof our homes and select age-appropriate toys, riding vehicles, and games.

However, when children are at school, they can get all kinds of scrapes and bumps, most of which are minor. However, if a child is seriously hurt, most parents feel a more than casual sense of responsibility to find out what and why it happened—and to prevent such injuries from recurring.

Here are questions that an attorney might ask of teachers and administrators to learn about a child's injury:

- What kind of precautions did the school take to protect children from injury during classes and activities?
- How quickly did administrators and staff recognize that an injury had occurred?
- How fast did school personnel come to the child's assistance?
- Was first aid provided?
- Did a school nurse or other professional administer medical treatment?
- Was the child hurt during an age-appropriate activity?
- Were other children involved in the injury? How?
- Where and how did the injury occur? At recess? In gym class? On the stairs? In a science lab? On playground equipment?
- Were there witnesses?
- How quickly were the parents notified?

Please contact an attorney for additional information about parents' rights.

FOR YOUR SAFETY Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

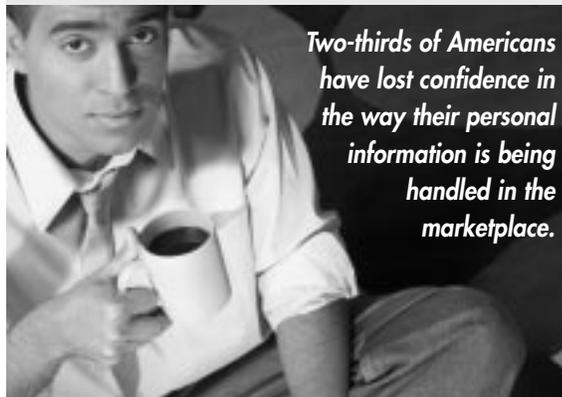
- ✓ **Graco Children's Products, Inc.**, has recalled one million Duo Tandem and 143,000 MetroLite strollers. Both models can fail to latch and unexpectedly collapse, injuring children in the strollers and those pushing them.
- ✓ **Belkin Corporation** is asking consumers to return 10,300 Li-Polymer battery packs sold with Bluetooth Global Positioning System (GPS) Navigation Systems. Batteries can overheat, rupture, catch fire, or explode and harm users.
- ✓ **Dorel Juvenile Group** noted a warning about 250,000 Safety 1st Tubside Bath Seats. When used with nontraditional or sunken bathtubs, the bath seats can break, tip over, and injure children.
- ✓ **LG Electronics, Inc.**, and **Sears, Roebuck and Co.** have called back 20,000 LG and Kenmore Elite® Trio™ Three-Door Refrigerators with condenser fan motors that can short-circuit, catch fire, and burn consumers.
- ✓ **Nautilus, Inc.**, is voluntarily recalling 10,000 Nautilus NT 1020 Exercise Benches, which have bench-seat welds that may separate from the frame, collapse, and injure exercisers.

Mail fraud

A recent survey revealed that two-thirds of Americans had lost confidence in the way their personal information was being handled in the marketplace.

Each person can take a number of important steps to decrease the likelihood of identity theft and manage his or her personal financial and other information by better protecting their mail. Here's how:

- Secure the mailbox with a lock.
- Remove mail promptly.
- Mail payments or other important items at a post office or public mailbox, not in your own mailbox.
- Switch to electronic bill-paying when possible.
- Stop mail when going away for more than a day.
- Shred all mail and other documents that contain information anyone could use to defraud you.
- Report mail theft to postal authorities.



Two-thirds of Americans have lost confidence in the way their personal information is being handled in the marketplace.



Taking medications

After a physician prescribes a medication and a pharmacist fills that prescription, it's up to you to comply with instructions to make sure the drug works safely and effectively.

Here are several medication-safety guidelines:

- ✓ Tell all prescribing practitioners and pharmacists the medications you take, including over-the-counter products, vitamins, supplements, herbals, and birth-control pills.
- ✓ To keep up-to-date records and anticipate emergencies, list all medications, noting drug names, prescribing physicians, filling pharmacists, dosages, and how and when to take them.
- ✓ Try to fill all prescriptions at one pharmacy.
- ✓ Never share medicines with others.
- ✓ Read instructions and warning labels.
- ✓ Keep drugs in original containers, away from children or pets.
- ✓ Never mix different pills in one container.
- ✓ Know what to do for side effects or cross-medication reactions.
- ✓ Discard outdated medicines.

Medication errors

Even though patients may do their best to take medications safely and effectively, errors may occur. Doctors sometimes prescribe incorrect medications. Office or hospital staff may administer the wrong drug. Pharmacists can misfill prescriptions. In many cases, errors may be small and have little effect.

However, when patients suffer injury because of medication errors, they can seek assistance through our civil justice system. A patient suffered two cardiac arrests and restricted work activity after a nurse negligently injected an incorrect medication during an operation. The hospital settled after the patient sued, alleging the hospital was responsible for the nurse's wrongful administration of the drug.

Disability insurance

According to the Health Insurance Association of America, one in three of us between the ages of 35 and 65 is likely to suffer a disabling incident lasting at least 90 days sometime during our careers. What disabling events can put a career off track? Problem pregnancies, broken arms, and anxiety conditions, to name just a few.



Because most employer-issued disability insurance policies provide only a percentage of salary and put caps on benefits, many people purchase private disability insurance policies to fill the income gap.

Bad faith

When insurers arbitrarily terminate promised payments on policies clients have been paying premiums on for years, our civil justice system can provide plaintiffs with recourse.

A venture capitalist who paid premiums on a guaranteed renewable disability insurance policy for many years became disabled. Although the insurer paid benefits for a year, underwriters subsequently determined that a "lack of objective medical evidence" showed its client's chronic fatigue syndrome was not authentic and stopped payments. The insured man asked for ways he could prove his disability, even offering to take any medical tests the insurer requested. The insurer declined. The venture capitalist sued his insurer and its holding company for breach of contract, bad faith, and lost benefits. After hearing all evidence, a jury awarded the plaintiff damages against the insurer and significant punitive damages against the holding company.

Cold and flu season... ...and phenylpropanolamine

As this winter's cold season arrives, consumers should be particularly aware of the potentially serious side effects of cold medications that contain phenylpropanolamine (PPA).

A 2000 Yale University School of Medicine study showed that PPAs lead to an increased risk of hemorrhagic stroke, particularly in young women. The Food and Drug Administration has issued PPA public-health advisories and asked manufacturers to discontinue using them in over-the-counter (OTC) and prescription cough and cold medications as a decongestant, and in OTC weight-loss products. A pharmacist can recommend remedies that do not contain PPA to cold sufferers.

Anyone suspecting that they or a relative has been harmed by PPA should consult an attorney.



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The information included in this newsletter is not intended as a substitute for consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.

Schanker elected vice president of CTLA

Darin Schanker, a founding partner of **Bachus & Schanker, LLC**, was recently elected vice president of the Colorado Trial Lawyers Association (CTLA). As vice president of CTLA, Darin will continue working to protect the advancement of individual rights and preserve and improve individuals' rights within the civil justice system. Darin is in line to be the president of the CTLA in 2007.

"It is an honor to serve as an officer of an organization that fights every day for the same rights and liberties that we work to protect at our firm," Schanker said. "It is important for families to be able to count on trial lawyers to help level the playing field for Colorado's families."

Firm news

Bachus & Schanker, LLC, is pleased to announce that **Shari Willis** has joined the firm as an associate attorney. Shari and her family are moving to Colorado from Wichita, Kansas, where she had been practicing law since 1996. Her practice has centered primarily on medical malpractice, products liability, personal injury, workers' compensation, and premises liability cases. Shari also has worked on appellate cases in Colorado. Shari is an active member in the Wichita, Sumner County, and Kansas Bar Associations, as well as the Kansas Trial Lawyers Association. **Bachus & Schanker, LLC**, welcomes Shari to our firm. Her knowledge, skill, and advocacy will be great assets and resources for our clients.

BACHUS & SCHANKER, LLC, CONTINUES GROWTH

To better serve our clients, **Bachus & Schanker, LLC**, recently added three new litigation paralegals. **Sydney Snyder**, **Nikki Skender**, and **Heather Barnes** will join with our other highly experienced litigation paralegals, **Christine Phillips**, **Marilyn Vargas**, and **Jaye Stroud**, to assist the partners and associates with the preparation of cases for jury trials. Sydney Snyder has been a legal assistant with **Bachus & Schanker, LLC**, since August 2004. Nikki Skender joined the firm in July 2005, and Heather Barnes began in October 2005. This experienced team of litigation paralegals will be a great asset in helping **Bachus & Schanker, LLC**, clients achieve justice.

National grassroots organization fights for civil justice *(continued from front page)*

Kyle Bachus. "I encourage all of our clients to join this group and fight to level the playing field for themselves and their families."

The mission of People Over Profits is to:

- **Educate** Congress and the American public about the attack on the civil justice system by well-funded, powerful interests that put profits over the rights of regular Americans.
- **Inspire** members to fight back and protect the rights of American citizens, and to seek justice when they are harmed through no fault of their own.
- **Provide** members with the tools to take our message to Congress and the American people.

People Over Profits gives valuable, up-to-date information on issues Congress is working on that impact you and your family. The organization also has real statistics and information on medical malpractice, asbestos, and the attacks on the civil justice system.

To join or to find out more about People Over Profits, please visit the following Web site: <http://www.peopleoverprofits.org/>.