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FALL 2009

Denver Office

1400 16th Street
Suite 450
Denver, CO 80202

Colorado Springs Office

102 S. Tejon Street
Suite 1100
Colorado Springs, CO 80903

Fort Collins Office

123 N. College Avenue
Suite 211
Ft. Collins, CO 80524

info@coloradolaw.net
866.382.0706 toll-free



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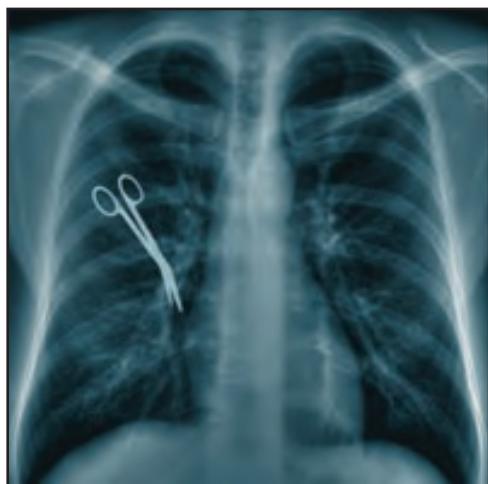
Tort Reform Myth Tort Reform Will Cut the Cost of Healthcare

With health care reform in the news these days, one of biggest arguments that supporters of tort reform maintain is that the high cost of medical treatment is due to medical malpractice lawsuits.

Health economists and legal experts assert that it's not medical malpractice lawsuits that are driving up the cost of healthcare. Rather, it's the medical errors that medical malpractice lawsuits try to prevent that take a toll on not only injured patients but on the health care system itself.

According to Tom Baker, a professor at the

University of Pennsylvania Law School and author of The Medical Malpractice Myth, "If you were to eliminate medical malpractice liability, even forgetting the negative consequences that would have for safety, accountability, and responsiveness, maybe we'd be talking about 1.5 percent of health cost. So we're not talking about real money. It's small relative to the out-of-control cost of health care."



In 2003, Texas capped medical malpractice damages, yet Texas has seen a steep

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Bachus & Schanker Builds for Habitat for Humanity for 3rd Year

On a seasonably warm and sunny day, nine employees from the personal injury law firm of Bachus & Schanker put aside their legal briefs, filings and procedures and spent the day hammering nails and building walls for Habitat for Humanity.

Denver Habitat for Humanity builds and sells homes to people in need of decent and affordable housing. Habitat welcomes all people, regardless of race, religion, ethnicity, or any other difference, to join them and build homes for people in need.

In addition to the cash donation from the Bachus & Schanker Cares Foundation, our crew spent the day working on a duplex for two local Denver families. When we arrived in the morning,

we started with concrete foundations and floor joists. By the time we left that afternoon, our crew, the Habitat supervisors, Habitat volunteers and volunteers from AmeriCorps had built and erected the walls to not just a house, but a home. You can read more about our experiences and see photos at our blog entry about Habitat for Humanity on our web site.



Driven to Distraction Saving Time But Costing Lives

The Department of Transportation's National Highway Traffic Safety Administration research estimated that in 2008 5,870 people were killed and 515,000 were injured in crashes involving a distracted driver.

With the tightening economy and many jobs at risk, workers are feeling more and more pressure to be productive. One of the ways, especially for those who spend most of their work day on the road, is to turn their cars into traveling offices. Equipped with laptops and BlackBerrys, a busy salesperson or entrepreneur is never out of touch. They have the means to respond to any crisis at their fingertips. Truckers, plumbers and delivery drivers can now receive instructions and directions to their next assignment en route. Productivity for those on the road is just a touch away.

But at what cost? Is the convenience of constant contact worth the risk? Studies have shown that a driver simply talking on the phone, even while using a hands-free device, is four times more likely to crash than someone who is just driving. Studies show that drivers who are texting or checking email typically take their eyes off the road for about 5 seconds. Imagine what happens when you add using a computer, drinking coffee, putting on makeup and performing other personal grooming tasks into the mix.

Researchers say there is only an illusion of productivity. According to David E. Meyer, a professor of psychology at the University of Michigan, "To the extent that someone is focused on driving, the quality of work product is diminished." He added, "To the extent someone is focused on work and not driving, there's a risk of crashing and burning. Something's got to give."

Further study by Professor Meyer debunks the illusion of productivity, as the brain can only effectively perform one difficult task at a time.



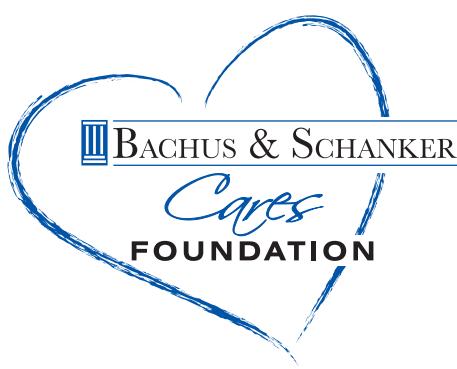
He found when a driver multitasks, important neural regions have to switch back and forth, taking extra time and thus creating inefficiencies.

Some families of victims killed in crashes involving multi-tasking drivers on the job have successfully sued the drivers' employers. Now that it's starting to hit employers in the pocketbook with settlements to victims and their families and increased insurance premiums, some companies are now banning the use of cell phones and computers while on the job.

Katherine McArthur is a Georgia lawyer with experience suing companies whose employees have been in a collision while multi-tasking behind the wheel while on the job. "What I'm arguing in these cases is that these companies are authorizing something as bad as drunk driving and that they knew about the research or should have known," she said. Ms. McArthur believes that as cell phone usage and texting while driving continues to increase, employers should expect more of these type of lawsuits.

While it may feel more productive and you may even save a handful of minutes by multi-tasking behind the wheel, the families of the victims of collisions caused by multi-tasking drivers will tell you, that those few minutes you saved are not worth the life of their loved one.

Bachus & Schanker Cares Foundation Spotlight



"This time of year is hard for me and my family," said Bachus. "Dolls for Daughters is my way to honor Kenzi and the life she would have lived."

Dolls for Daughters begins its annual holiday drive this month to collect new, unwrapped dolls for girls facing homelessness, poverty, abuse and neglect. Dolls for Daughters will also collect action figures for boys. This year's goal is to collect 800 dolls.

Jessica Bachus created Dolls for Daughters in December 2007 in memory of her daughter Kenzi Bachus who was stillborn.

Dolls for Daughters gives doll donations to families served by Denver Children's Home, SafeHouse Denver, Samaritan House, The Gathering Place, Warren Village and other charities for girls who would not otherwise receive a gift during the holidays.

Dolls for Daughters partners with the Bachus and Schanker Cares Foundation to serve as a drop-off location and spread the word about the Dolls for Daughters organization. The holiday drive ends December 18.

The Dolls for Daughters mission is to put a smile on the faces of underprivileged children and to help struggling families get on their feet in the Denver Metro Community.

To learn more about Dolls for Daughters or to make a cash donation, visit www.dollsfordaughters.com or email info@dollsfordaughters.com

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increase in health insurance premiums and medical costs. According to the Dartmouth Institute for Health Policy, Medicare spending actually rose 24 percent in Texas even though punitive damages were capped at \$250,000.

McAllen, Texas has one of the highest healthcare costs in the country—almost twice the national average. Only Miami, Florida spends more on healthcare than McAllen, Texas on. And Miami has much higher cost of living and a higher average income than McAllen, Texas, whose average income is twelve thousand dollars per year.

So why is healthcare in McAllen, Texas so out of line with the rest of the country?

In his commentary, The Cost Conundrum, Atul Gawande (a surgeon turned writer for New Yorker magazine) visited the town of McAllen and talked to doctors and other residents about the high cost of health care in their town. His findings are amazing and eye-opening.

During his dinner with some local doctors, Gawande asked these doctors for their opinions on the high cost of

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*Tom Baker, author of
The Medical
Malpractice Myth*

medical care in their community. Medical Malpractice was the quickest, most obvious answer given.

"It's malpractice," a family physician who had practiced in McAllen for thirty-three years said. "McAllen is legal hell," a cardiologist agreed. "Doctors order unnecessary tests just to protect themselves," he said. All thought the lawyers in McAllen were worse than in the rest of the country.

Yet, Texas passed tough malpractice laws that capped pain and suffering awards to \$250,000. When pressed with information that lawsuits had decreased due to tort reform, the cardiologist replied, "Practically to zero."

Straight from the doctor's mouth—practically zero medical malpractice lawsuits were filed in one of the highest health care areas in the country.

Those in favor of tort reform would like us to believe that the answer to reducing the high costs of medical care in the United States is to protect doctors and hospitals from medical malpractice lawsuits. But McAllen, Texas is a perfect example of the flaws in that theory.



Colorado Law Enforcement Officers Honored by MADD

MADD Colorado, Youth In Action and UMADD Members presented 18 awards to outstanding Colorado Law Enforcement Officers at the 2009 MADD Colorado Law Enforcement Recognition Breakfast.

The final 18 MADD award recipients were chosen from more than 57 nominations received from various law enforcement agencies throughout the state of Colorado since March of 2009.

Darin Schanker, founding partner of Bachus & Schanker, movingly described his experiences working with a victim/survivor of a drunk driving crash.

"A drunk driving crash has an impact that echoes through the lives of victims in so many ways. As a personal injury law firm we see both the trauma and tragedy that victims suffer and the financial toll that can devastate the lives of victims and their families. We're grateful for the dedicated efforts by our law enforcement officers to prevent underage drinking and keep our roads and communities safer."

Following breakfast, Colorado MADD Youth in Action high school volunteers and UMADD members presented the 2009 MADD Colorado Law Enforcement Recognition awards. MADD Colorado and Bachus & Schanker congratulates all of the recipients of the 2009 Law Enforcement Recognition awards. *Go to our web site to read the full list of honorees.*

To learn more about MADD or to receive free victim services, please visit www.madd.org or call 1-877-MADD-HELP.

If you've been injured by a drunk driver, call the attorneys at Bachus & Schanker, LLC for a

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Associate Attorney Eric Pizzuti focuses his practice on personal injury and auto accident litigation. He believes it is his responsibility to advocate on behalf of victims who have been injured through no fault of their own. These clients rely on Mr. Pizzuti's toughness and tenacity to overcome the obstacles that may arise during their case.

Mr. Pizzuti earned a Bachelor of Science degree in Finance from Miami University in 2002. He then earned his Juris Doctor from The Catholic University, Columbus School of Law in Washington D.C. in 2005. While attending law school, Mr. Pizzuti worked on Capitol Hill for the minority leader and for the Committee on Education and Workforce.

Mr. Pizzuti is a member of the Colorado Bar Association and the Denver Bar Association and is licensed to practice law in Colorado, Ohio, and the District of Columbia.

While not on the job working for his clients, you can find Mr. Pizzuti somewhere up in the beautiful Colorado mountains skiing when the snow cooperates or hiking and camping in warmer weather.

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