

# Anapol Advocate

## IN THE COMMUNITY

### NEARLY 1,000 CONSUMERS VOTE TO SELECT FIRST ANAPOL ADVOCATE

This past spring, The Anapol Schwartz Foundation (ASF) named burn survivor Dennis Gleason, a certified professional estimator (CPE) and former safety trainer with PECO, as its first Anapol Advocate Award winner. Established by The ASF in winter 2010, the Anapol Advocate Award recognizes inspiring individuals who have helped victims affected by disabling injuries lead better and more productive lives. This inaugural award focused on the burn care community, and nearly 1,000 people voted online to select the winner from among three semi-finalists.

As part of the award, The ASF made a \$5,000 gift to a nonprofit of the winner's choice that served the local burn community. Gleason selected the burn unit at Crozer-Chester Medical Center, where he was treated after suffering second and third degree burns over 20 percent of his body. The burn unit plans to use the gift to purchase a special crib for pediatric burn patients.

### FOR AMPUTEES, ANAPOL SCHWARTZ PICKS UP WHERE INSURANCE LEAVES OFF -

After winning a case on behalf of an amputee, The ASF donated \$50,000 to Magee Rehabilitation Hospital, the area's leading rehabilitation hospital for individuals who have suffered traumatic, life-changing injuries, such as brain or spinal cord injuries, strokes or amputations.

Anapol Schwartz made the gift to establish a fund that will pick up where amputees' insurance leaves off, aiding them in obtaining necessary items and training – such as wheelchairs, home modifications, and driving lessons – that often present a financial burden. The fund will also help provide smaller quality-of-life items, such as prosthetic cleaning products and diabetic socks and shoes.

### FOUNDATION SPONSORS DEATH NOTIFICATION CLASS -

The ASF recently provided Mothers Against Drunk Driving (MADD) with the funding to host a death notification class. Nearly 80 people – police officers, first responders, and other personnel responsible for delivering devastating news that a loved one has died – attended the seminar, which provided training on how to share such news in the most compassionate manner possible. Funds from the gift came from a recent dram shop case settled by the firm.

Since its inception in 2008, The ASF has granted more than \$180,000 to local 501(c)(3) public charities. As we win cases on behalf of clients and their families, we will continue to contribute to The ASF and to critical community programs. Visit [www.anapolschwartzfoundation.org](http://www.anapolschwartzfoundation.org) to learn more.

## FIRM NEWS

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### Honors

Eight shareholders were named **2010 PENNSYLVANIA SUPER LAWYERS®**: James Ronca\*, Sol Weiss\*, Bernard Smalley\*, Alan Schwartz, Mark LeWinter, Lawrence Cohan, Joel Feldman and Thomas Anapol.

\*Ronca, Weiss, and Smalley were also named among the top 100 lawyers in Pennsylvania and Philadelphia.

Three attorneys were named **2010 PENNSYLVANIA RISING STARS®**:

Tracy Finken, Gregory Spizer, Jeffrey Downs and Michael Schafle.

Associate Amber Racine recently received the President's Award from the Barristers' Association of Philadelphia for her extraordinary service to the organization.

## CONTACT INFO



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## FIRM NEWS

We are pleased to announce our merger with Coben & Associates, and welcome Larry Coben as shareholder to complement our extensive personal injury practice and our well-established mass tort practice.



Coben is nationally known for handling brain and spinal cord injury cases, with a special emphasis on helmet failure and crashworthiness, including seat belt and seat back failures, as well as air bag deployment failure, ejection and sudden acceleration.

The recipient of the American Association for Justice's 2010 Consumer Advocacy award, Coben has obtained numerous seven- and eight-figure verdicts and settlements nationwide, including a \$26 million verdict for a woman rendered a quadriplegic in a motor vehicle accident involving a seat failure, and a \$12 million verdict for a high school football player who became a quadriplegic due to the defective design of his helmet.

He also achieved a \$10.2 million verdict against Volkswagen on behalf of a Bucks County high school student who was injured as a result of her car's defectively designed rear seat system, and a \$30 million verdict in Gloucester County for a man rendered a quadriplegic due to a faulty airbag design. He is the author of "Crashworthiness Litigation," a guide providing tactics for prosecuting such cases.

Two associates joining from Coben's previous firm will practice out of Anapol Schwartz's new office in Scottsdale, Ariz.

### Also Joining Us:

Anita Pitock and Shayna Slater as associates.

## COURTSIDE

Anapol Schwartz works tirelessly to ensure that drug manufacturers are held accountable for their defective products, and we've earned a national reputation for handling complex, high-profile pharmaceutical liability cases. In the past several months, we've been actively pursuing claims surrounding the HPV vaccine Gardasil, and prescription drugs Fosamax, Yaz/Yasmin and Zocor, as well as medical devices such as DePuy Orthopaedics' defective ASR Acetabular Hip System which was recently recalled.

### Some of our recent successes:

- James Ronca achieved \$19.9 million in collective settlements for consumers who had been given Trasylol, Bayer AG's blood-clotting drug, during coronary artery bypass graft procedures. The drug is known to cause kidney failure and increase mortality risk.
- Ronca also obtained a \$7.6 million settlement for a 21-year-old man involved in a zip line accident when a frayed rope snapped, causing him to fall and rendering him a paraplegic.
- Lawrence Cohan and Melissa Hague served as co-lead counsel for more than 900 plaintiffs in the human tissue national multi-district litigation which recently settled in Federal Court in Newark, N.J. Cohan and Hague are continuing to litigate the claims of the donor families, whose loved ones' body parts were harvested without their consent.

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*U.S. News & World Report ranked Anapol Schwartz among the best law firms in the Mass Tort Litigation/Class Actions-Plaintiffs category. The ranking was based on results from an industry survey.*

For more details on the survey methodology, visit <http://bestlawfirms.usnews.com/methodology.aspx>



## ADDRESSING GRIEF

### Supporting Those Who Have Suffered Tragic Losses

by Joel Feldman

Following my 21-year-old daughter Casey's death last July, I realized how difficult many people found it to offer comfort to me and my family. I believe that most people care and want to be helpful, but simply do not know what to do or say. Drawing on my own experience, I'd like to offer some suggestions:

**THERE ARE NO MAGIC WORDS:** Most likely, you will not be able to say anything that will "cure" those who are suffering, so don't try. It is enough to say that you care, you are thinking of them and you are sorry. Being present – as the term is used in counseling – is comforting to those who are grieving: This simply means that you are there for them, not for yourself; that you are prepared to listen if they want to talk, but will also stay with them if they are silent; and that you can sit in silence without feeling the need to fill it with whatever pops into your head.

**YOU ARE NOT INTRUDING:** Social support, the compassionate efforts of others to be with and help a person who has suffered a loss, is one of the best predictors of successful resolution of grief. Those who have support get through the process more quickly. I felt that people who stated they did not want to intrude on my grief were just too uncomfortable to try to offer comfort. Avoiding those who are grieving adds another injury – the feeling of being different and isolated.

**RESPECT FEELINGS AND PROGRESS:** If you care for someone who is grieving, you will respect how he is feeling at any given moment and allow him to grieve at his own pace. Respect is not giving unasked for advice, especially if it's about how long he has grieved or where he is in the process (even if you think he is doing well).

**THERE IS NO TIME LIMIT ON GRIEF:** Let those who are grieving know you care – not just in the days and weeks after the loss, but in the months and years that follow. As the first anniversary of my daughter's death approached, I was touched by the cards that I received. They let me know that Casey would not be forgotten, that my grief was not forgotten and that people still cared and thought of my loss. It is never too late to send a card or tell a story about the deceased. Those of us who have lost a loved one want desperately to believe that person will not be forgotten.

*Managing Partner Joel Feldman concentrates his practice in personal injury actions, as well as securities litigation and stockbroker claims. He is also pursuing a master's degree in counseling at Villanova University. Contact him at [jfeldman@anapolschwartz.com](mailto:jfeldman@anapolschwartz.com). Learn more about his daughter Casey at [CaseyFeldman.com](http://CaseyFeldman.com).*



## MEDICAL WOES

### Sleep Apnea and Orthopedic Surgery: A Dangerous Mix

by Anita Pitock

As common as adult diabetes, yet not as frequently diagnosed, sleep apnea is a disorder in which pauses in breathing or shallow breaths occur during sleep. These pauses can last from a few seconds to minutes and often occur five to 30 times or more in an hour. Typically, normal breathing will start up again, sometimes with a loud snort or choking sound.



The most common type of sleep apnea is obstructive sleep apnea, in which an individual's airway has collapsed or is blocked. Most people who have sleep apnea don't know it, since it only occurs during sleep. In fact, a family member may first notice the signs.

While sleep apnea can strike anyone at any age – even children – being male, over age 40 and overweight are the biggest risk factors. Case in point, according to the National Institutes of Health, of the 12 million Americans with sleep apnea, more than half are overweight. If you fall into one of these at-risk categories, talk with your family about these warning signs.

#### ARE YOU:

- a loud and/or regular snorer?
- often fatigued during the day?

#### DO YOU:

- have frequent pauses in your breathing while sleeping?
- wake up with a headache?
- fall asleep while driving, sitting, reading or watching TV?
- often have problems with your memory or concentration?

Sleep apnea also presents a danger for patients during surgery, including orthopedic surgery. Patients commonly have more complications, such as substantial respiratory and cardiac problems, including irregular heartbeats, lack of blood flow to the heart, and/or problems with breathing. The majority of complications occur in the first 72 hours.

Many obese patients who present to an orthopedic physician actually have undiagnosed sleep apnea. It is critical that these patients are appropriately recognized and evaluated prior to surgery in order to minimize any potential complications related to sleep apnea both during and after surgery.

If you have obstructive sleep apnea or are at risk for it and are scheduled for orthopedic surgery, you should talk with your physician. Ask the following questions:

- What precautions will be taken to monitor me after surgery?
- Is same-day surgery appropriate for me?
- Will my breathing be monitored post-operatively, and for how long?
- How will sleep apnea affect my recovery period?

Remember that when it comes to your health, you are your own best advocate!

*Anita Pitock is a registered nurse and an associate at Anapol Schwartz. She concentrates her practice in medical malpractice-wrongful death, pharmaceutical liability-dangerous drugs, and major personal injury matters. Contact her at [apitock@anapolschwartz.com](mailto:apitock@anapolschwartz.com).*



## MEDICAL WOES

### We Regret to Inform You . . .

by Stephen Pokiniewski, Jr.

In 2002, the Pennsylvania Legislature created the Pennsylvania Patient Safety Authority (PSA) to reduce or eliminate medical errors by identifying problems and recommending solutions to promote patient safety. As part of its mandate, the PSA developed a system for reporting "serious events" (involving the clinical care of a patient in a medical facility that results in death or compromises patient safety and results in an unanticipated injury requiring the delivery of additional healthcare services), as well as "incidents" (involving poor patient care, but not resulting in a patient injury).

Healthcare facilities are required to notify patients or their families in writing with an adverse event letter when a serious event occurs. The most recent annual report issued by PSA in 2008 indicated that there were 8,795 serious events reported and approximately 211,079 incidents. The number of serious events was up three percent from 2007. Starting in 2008, patients who developed a hospital-acquired infection also received an adverse event letter.

With the creation of the PSA and its requirements of notification, Anapol Schwartz has been consulted by a number of clients who have received adverse event letters from healthcare facilities. Two recent case examples include a wrong-sided surgery and a facility that failed to notify the patient of the results of diagnostic testing, causing a delay in diagnosis. In both cases, the patients ultimately died due to the adverse event.

Since 2004, Pennsylvania law has mandated written notification of serious events; however, the law does not require the facility to disclose any other information. It is our experience that often the notification letter is intentionally vague and does not clearly describe what took place in connection to the patient's injury. Typically, this is done so that the hospital puts as little information in writing as to what specifically happened.

Receiving an adverse event letter is a very serious matter, as healthcare facilities only issue such a letter because they are required to under state law. The letter is not a legal admission of liability, but an acknowledgment by the healthcare facility of an injury (usually significant) to a patient. If you do receive such a letter, here's what to do:

- Discuss with the hospital staff and your physicians what specifically occurred and how the resulting injury or injuries were or will be treated; and,
- Consult with your attorney as soon as possible since there is only a two-year statute of limitations after the letter has been received.

For more information about adverse events and how to take action, visit [www.anapolschwartz.com/adverseletters](http://www.anapolschwartz.com/adverseletters).

*Stephen Pokiniewski, Jr. is a partner at Anapol Schwartz. He concentrates his practice in medical malpractice and personal injury matters, specializing in managed care cases. Contact him at [spokiniewski@anapolschwartz.com](mailto:spokiniewski@anapolschwartz.com).*