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FIGHTING FOR THE RIGHTS OF THE INJURED FOR 22 YEARS

Motorcyclist deaths continue to increase while motor vehicle fatalities are lowest in half-century

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Deaths on the nation's roads and highways have fallen sharply in recent years, reaching the lowest total in more than half a century. But motorcyclists are not part of that significant achievement.

In fact, the news for bikers keeps looking increasingly grim.

Fatalities from motorcycle crashes have more than doubled since the mid-1990s. The most recent figures from the National Highway Transportation Safety Administration reveal that the death toll from motorcycle crashes rose from 2,116 in 1997 to 4,502 in 2010, or about one in seven U.S. traffic deaths. Researchers at the Centers for Disease Control and Prevention recently analyzed traffic accident statistics between 2008 and 2010 and counted more than 14,200 motorcyclist fatalities.

Among these motorcyclist deaths, approximately 6,000 involved bikers who were not wearing a helmet at the time of the accident. And out of the total number of motorcycle fatalities, only 12 percent occurred in states like California that had a mandatory helmet law in place.

And therein lies the key to the ever-rising death toll among motorcycle riders.

Biker groups argue that helmet laws curtail personal freedom and have organized a powerful lobbying network that has been successful in blocking proposed regulation as well as persuading states to roll back established helmet laws.

But mandatory helmet laws appear to be effective in curtailing motorcycle deaths and head injuries and the cost they impose on the public.

The NHTSA concluded that in 2008, \$1.3 billion in medical bills and lost productivity would have been saved if all bikers had worn helmets. And states that have mandatory helmet laws save millions of dollars in costs every year. California, for example, saves approximately \$394 million annually because of its universal helmet law. The NHTSA estimates that helmets saved 1,483 lives in 2009, and that another 732 deaths could have been avoided if all riders had worn helmets.

The price of freedom for motorcyclists is double - bikers pay with their lives, and the public pays with hundreds of millions of dollars in medical costs and benefits.

Study shows that intensity, frequency of brain injury symptoms may last for years

Until now, doctors and other experts specializing in treating brain injuries believed that symptoms disappeared over time.

However, new research conducted at the University of Oklahoma on combat veterans reveals that post-concussion symptoms such as headaches, dizziness, problems with judgment, depression, and failing memory can continue for years after the injury.

The results of the study certainly have major significance for anyone who suffers a head injury in any type of accident.

The study involved 500 veterans who underwent general health and depression screenings between 2008 and 2011 at the Oklahoma City VA Medical Center and were found to have symptoms of mild traumatic brain injury and post-concussion syndrome.

"Mild," in the case of brain injury, is a medical designation that means the patient did not have severe head lacerations, did not have a skull fracture, and did not require surgery on the head because of the injury.

The participants self-rated six symptoms: headache, dizziness, balance problems, poor

coordination, difficulty with decisions, and depression. These patients were grouped according to whether their head injury had occurred within the previous two years, three to four years, five to six years, or seven to eight years.

The research revealed that the amount of time that had passed since the injury occurred - whether two years or eight years - made no significant difference in the frequency of the symptoms or their intensity. And the type of injury made no difference.

"Not only does this not go away, which is what we figured we would find, it may tend to get worse," said Dr. James Couch, the author of the study and professor of neurology at the University of Oklahoma Health Sciences Center in Oklahoma City.

Couch and Dr. Steven Cohen, a professor of anesthesiology and critical medical care at Johns Hopkins University School of Medicine, both said that the persistence of symptoms revealed in the study was discouraging.

"With almost any medical condition, the longer you have it, the less likely it is that it will ever go away," said Cohen.

Missouri Supreme Court nullifies med-mal damage caps

Missouri became the most recent state to eliminate caps on medical malpractice damages on August 1, 2012, when its Supreme Court declared that state's \$350,000 limit violated a patient's right to a jury trial.

The cap on medical malpractice awards was established in 2005 when Missouri passed a broad "tort reform" law.

In a 4-3 decision, the state's Supreme Court ruled that "any limit on damages that restricts the jury's fact-finding role violates the constitutional right to trial by jury." The Court further observed that the damage cap

"infringes on the jury's constitutionally protected purpose of determining the amount of damages sustained by an injured party."

A number of studies in recent years have shown that damage caps have little or no effect on malpractice insurance rates, on healthcare costs, or on the number of doctors applying to practice in a given state.

With the decision, Missouri joined Oregon, Wisconsin, South Dakota, Louisiana, and Illinois as states that have eliminated caps established on medical malpractice damages by their state legislatures.

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