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Subject: Way to Go Senators!

Posted by [Manualblock](#) on Tue, 09 May 2006 11:31:20 GMT

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In a rare but wonderfully lucid moment in an otherwise miserable political climate the Senate has voted their conscience instead of their politics and struck down the administrations attempt to limit damage awards to sufferers in medical malpractice lawsuits. Anyone who has any kind of experience with the medical establishment knows how badly they can screw up and how much damage that can do to a family and to know that there is punishment for screwing up is the only thing keeping them honest. While the majority of health care workers are of excellent quality and very dedicated; hospital administrators would hire the least qualified least paid workers in a minute if they thought they could save money and there would be no repercussions. They tried that in the early eighties ratcheting up the numbers of unqualified nurses allowed to immigrate here from the indian sub-continent. After the lawsuits increased dramatically they wised up and shut down that practice. That's what we would get if there was no possibility of damage awards. So kudo's to our representatives who went against the wishes of the BUSH and voted this nefarious legislation down.

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Subject: Re: Way to Go Senators!

Posted by [Bill Martinelli](#) on Tue, 09 May 2006 18:22:27 GMT

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I havnt looked at what was on the table but I most certainly think some of the settlement awards (most of them) are too high.

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Subject: Re: Way to Go Senators!

Posted by [Manualblock](#) on Tue, 09 May 2006 18:46:38 GMT

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Remember the sums you read in the paper are always knocked down on appeal. Most law firms won't even take malpractice cases because they are so hard to win and really don't pay much. And the ones that succeed involve pretty terrible damages to human life.

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Subject: Re: Way to Go Senators!

Posted by [akhilesh](#) on Wed, 10 May 2006 14:41:50 GMT

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I agree with their decision. There should be no limit & it keeps the companies honest. I just wish we had better judges, but hey, that's life. -akhilesh

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Subject: Re: Way to Go Senators!

Posted by [Manualblock](#) on Wed, 10 May 2006 16:09:48 GMT

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The jury sets the award; you'll have to blame your fellow citizens if you are unhappy with the amounts. People have been conned into thinking that this medical malpractice lawsuit thing is a pot of gold. If people really look into the facts they would see that most awards are less than adequate for the damage done to the individuals. Yes; the occasional unjust award slips through; but the norm is really the other way around.

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Subject: Re: Way to Go Senators!

Posted by [Bill Martinelli](#) on Sat, 13 May 2006 02:38:54 GMT

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I don't want to imply any person hurt tragically is minor or could even be paid for. How much is a finger, arm, leg, eye, or being able to walk again... or death? There is no price. there can't be one. You can fact and figure all you want to come up with a number that would represent what a injured could have accomplished if uninjured. But is that ever enough no matter what? The advertising slots of tobacco in the past have been filled by law firms. When we were kids, the threat of a law suit was meaningful and serious. Today however, it's an everyday occurrence and every other thought of business people is muddled by what they have to do NOT to be sued. The mentality that people sitting on juries have is passionate for hurt sufferers and compounded by the fact that the insurance company is going to pay anyway. Do you think it's been long enough now that folks are realizing why there is 10-15% increase in the past 5 years by health insurance and HMO's? has your car insurance gone down lately? how bout insurance on your home? not even geiko can help. but, who wouldn't want pie and chips?

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Subject: Re: Way to Go Senators!

Posted by [Manualblock](#) on Sat, 13 May 2006 03:00:29 GMT

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You're right about that Bill; it's a big problem the thought in all the juries minds that insurance will cover any award they decide on. I guess part of my problem is knowing what goes on in the hospitals because of my wife's experience in the field. It's pretty scary. And for the six years I did process serving and had to sit in courtrooms for traverse hearings while cases were tried. It gives

you a different view point. Here's one; a guy has a heart pacemaker. The doc calls for an MRI. Nobody catches that; not the doc not the nurse not the attendant who placed him in the machine. They turned the switch to start the MRI and Whoomp! the magnets tore the pacemaker right out of his body. He died instantly. 43 with two kids. Another; it's snowing and the railroad orders the signal maintainer out to test one of the high speed switches alone in the dark. He protests but they order him out without a flagman. He is bending over the switchbox and doesn't hear the flyer coming and Bam; he's dead. Guess how much his young widow ended up with? I'll give you a hint; they offered her 283,000\$ That's about 3yrs pay. That is more like what really happens in the world.

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Subject: Re: Way to Go Senators!

Posted by [Bill Martinelli](#) on Sat, 13 May 2006 03:25:41 GMT

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John, There are tragedies that are just dumb and stupid. should not have happened and people should be compensated. there are dumb people who do stupid things and lawyers should encourage them. What's up with the phone book these days? more attorney's than cars dealers! I think we as a global society have made leaps forward. how many people died building a pyramid or a building in Rome. where was CE or OSHA telling the quarry manager that those saplings are too small to pry and wedge those rocks. from ancient times to the pilgrims to the industrial revolution. people got hurt and died from bad accident that have by and large been eliminated today. things are better, much better. how can making the rest of the population pay through the nose crack the 100th percentile of no one ever getting hurt. I don't want anyone to get hurt but I also need to live a little.

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Subject: Re: Way to Go Senators!

Posted by [Manualblock](#) on Sat, 13 May 2006 12:31:49 GMT

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I agree; what you say is true. But I also know the improvements were brought about by people who fought for them. The minute we give up and stop fighting for improvements and holding people responsible for their actions things will revert right back to the same dangerous and deadly practices. Sago Mine Disaster. All the safety stuff is in place now.

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