

TORT REFORM 101

Recently, the state and federal legislatures have debated various "tort reform" bills. So what exactly is a "tort"? A tort is a wrongful act giving rise to a civil cause of action. Usually, the victim, who often feels "tortured" or hurt due to the harm of another, has sustained physical or psychological injuries. Examples of tort claims include cases for automobile negligence, medical malpractice, assault and battery, and slander, to name a few.

Missouri legislators recently pointed their fingers at lawyers rather than insurance companies to address rising medical malpractice premium costs for physicians. Some doctors have said they can no longer afford malpractice insurance and may therefore have to stop practicing medicine. Many legislators claim that exorbitant verdicts for malpractice lawsuits, typically paid by physicians' insurance companies, have caused the cost of malpractice insurance to skyrocket. Interestingly, while health insurance premiums have risen annually at rates up to 20%, medical malpractice verdicts, which legislators claim are the cause of the rate increases, are roughly the same level today as they were in 1990.

It appears that the legislature is working for the insurance companies, promoting insurance company propaganda, rather than for the citizens of the state. Unfortunately, the legislature wants the victims to bear all the risk of harm caused by the wrongful acts of another.

For example, one proposal would limit the amount awarded to someone injured in an emergency room to no more than \$50,000. Another provision would make it unnecessary for physicians to carry professional liability insurance. They are even targeting kids, requiring children to bring their cases

within 2 years of the date of the occurrence. Imagine the testimony of a two year old.

The next time you hear about Senators or Representatives clamoring for Tort Reform, remember your lessons from Tort Reform 101. If you don't want victims left holding the bag, then contact your legislator and tell him or her that you want insurance company reform instead.

ASLEEP AT THE WHEEL

Many drivers who realize they have consumed too many alcoholic beverages pull off to the side of the road and fall asleep at the wheel. Beware – doing the right thing may lead to the wrong result, according to the Supreme Court of the State of Missouri.

On a Saturday evening in August, 1998, Steven Cox pulled off the road into a gas station parking lot. A police officer approached the car and found Cox asleep at the wheel, with his keys in the ignition and the motor running, presumably for air conditioning.

The officer awakened Cox and discovered a strong odor of alcohol on his breath and eventually arrested him for driving while intoxicated. In addition, the officer took his driver's license. The Director of Revenue suspended Cox because the officer had probable cause to believe that Cox was operating or driving the vehicle with a blood alcohol concentration above the legal limit, even though the vehicle wasn't moving and the driver was asleep.

The case made its way all the way to the Supreme Court of Missouri. In an opinion handed down on March 4, 2003, the Court found that once the key is in the ignition and the motor is running, an officer has probable cause to make an arrest. In short, don't find yourself asleep at the wheel.

AROUND THE FIRM

ALLAN MURRAY JOINS THE FIRM

The Law Offices of Stahlhuth & Rudder are pleased to announce that W. Allan Murray, III, has joined the firm as an Associate. Allan will handle Estate Planning, Real Estate, Personal Injury and Worker's Compensation cases. He will work in the Washington and Eureka offices.

Allan has two years of experience following graduation from Washington University School of Law in May 2000. Allan obtained a Bachelor of Science Degree in Management and Administration from Bradley University in May 1996.

We're Available Via E-mail

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For information about Personal Injury Law or Worker's Compensation Law, visit our websites at www.STLpilaw.com or www.STLworkcomp.com.

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