

PERSPECTIVES



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The Summary Jury Trial – An Effective Option?

I tried a short trial—or summary jury trial—in September. Between 9 a.m. and 5 p.m., I selected a jury, gave an



opening statement, presented evidence, cross-examined witnesses, and delivered a closing argument. And had a lunch break. Short trials, which last only a single day, are an increasingly popular alternative to the traditional multi-day trial. Would I do one again? Maybe.

There are benefits to the short trial format. The participants are done in a

single day. The jurors do not get tired, as they might in a lengthy trial. Costs are significantly lower because much of the evidence is agreed to beforehand, and witnesses can be presented in more informal ways than in a traditional trial.

But there are downsides, too. Conventional wisdom is that jurors must spend significant time hearing evidence in order to fully appreciate the gravity of the case and come to a fair award. In an accelerated short trial, that does not happen. Also, given the abbreviated presentation, a short trial only works when the majority of legal issues are not in dispute. Trying to present too much information and too many contested issues in only a few hours is ineffective. Finally, since there is no court reporter and no official record, there is no opportunity to appeal. This is a one-shot deal.

On balance, I believe that the downsides of a short trial are,

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How to Protect Yourself and Your Family from Medical Errors

In a previous issue, we noted that the healthcare industry is making significant strides to prevent death and injury from medical errors. While the industry should be applauded for doing its part, you need to do your part to protect yourself and your family.

What You Are Up Against

An estimated 90,000 Americans die each year as a result of preventable medical errors. About 7,000 patients die from medication errors alone.

Preventing Medication Errors

Ask questions. Never take a medication without first asking: "What is this drug? What does it do? What side effects should I watch for?" Your doctor will not think you

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are rude; he'll see that you are taking responsibility for your own health and safety. Every hospital patient should have someone who is familiar with their health and medication history to ask questions and get answers.

When starting a new medication, give your pharmacist a list of every medication and dietary supplement you are taking to check for adverse interactions. Ask if the medication you are receiving is the correct treatment for your medical condition. Read the package insert and be conscious of how the medication affects you. Call your doctor or pharmacist if you have any questions about how your body is responding to the drug.



Take an active role in your healthcare to be safe and healthier.

Whenever you have an x-ray or other radiographic study, before you start any treatment, ask your doctor if she

has reviewed the actual films, and if she agrees with the radiologist's findings. Then ask her to explain the planned course of treatment.

One final note. When you meet with your doctor to discuss test results for cancer or any other serious illness, take a friend or family member with you. If the doctor advises you that you

appointment to review the results with your doctor. If there is a question about the lab results, you can ask to have the lab test repeated, or ask what the next diagnostic step will be.

Test results can be wrong. If your lab result is normal and you have a lump or other abnormality that you are concerned about, get a second opinion. If your lab results are abnormal and you don't think there is anything wrong with you, get a second opinion before you undergo any invasive treatment such as surgery, chemotherapy, or radiation therapy.

Radiographic Errors

Delay in the diagnosis of breast cancer is the most common reason for malpractice lawsuits in the United States. If you feel a lump in your breast and have a normal mammogram, promptly get a second opinion.

have a life-threatening illness, you are unlikely to remember anything he says next. It is important for you to have someone with you to ask questions and take notes, so that you can review those notes at a later time when you are in a better frame of mind.

In short: take an active role in your health care and you will be safe and healthier.

— Jim Dyer

Preventing Lab Errors

Medical laboratories—which typically analyze blood, urine, or tissue samples—make more than 2.9 million errors per year, harming more than 160,000 patients.

Know the results of any lab tests. Don't assume, if you have not heard from your doctor, that your lab results were normal. If you have not heard within a week of the test, call your doctor and ask for the results. Ask to read the lab report. Or make an