

August 2015



POINTS OF INTEREST

NEWS AND VIEWS OF THE SPANGENBERG LAW FIRM.

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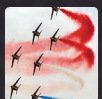


DEVICE USED DURING KNEE & HIP REPLACEMENT SURGERIES LINKED TO PERIPROSTHETIC JOINT INFECTIONS



SURGEON SCORECARD

Consumers now have access to data they need to make an informed decision when selecting a surgeon.



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BEST LAWYERS IN AMERICA 2016

Members of our team were once again voted by their peers for inclusion in *The Best Lawyers in America*, including a Lawyer of the Year selection.

THANK YOU & CONGRATULATIONS

We recognize the contributions of a valued team member for 25 years of service.

This newsletter is intended to provide information regarding this law firm, legal issues, and public events. It is not legal advice. Every case is unique. Do not rely on information in this newsletter to make decisions without consulting with an attorney. You may copy and distribute this newsletter only in its entirety.

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JOINT INFECTIONS LINKED TO USE OF BAIR HUGGER FORCED-AIR WARMING BLANKET DURING SURGERY

BY: PETER J. BRODHEAD, ESQ.



Recent studies have linked post-surgical joint infections to the use of a device known as the Bair Hugger, which is a forced-air warming blanket that may be used during surgery to help regulate body temperature.

It is well known that airborne particulate bacteria are a major source of contamination in the operating room. There is now concern that the convection currents created by Bair Hugger may stir up these contaminants and bacteria, bringing them into contact with the joint being operated on. In fact, one study found that there were 2,000 times more contaminant particles in the air over the wound with Bair Hugger forced-air warming than with an alternative air-free warming device.

Even the inventor of Bair Hugger, Dr. Scott D. Augustine, has warned that his invention is a danger to surgical patients receiving implant devices because the warmed air - which is carried through a hose to the Bair Hugger - can spread bacteria associated with hospital-acquired infections.

After a hip or knee replacement surgery, patients typically face a long road to

recovery even without complications. For patients who suffer from dangerous PJIs from bacteria that enter the body during surgery, the impact can be catastrophic, resulting in additional hospitalizations, additional surgery, IV antibiotics, removal of the implant, and amputation. These periprosthetic joint infections can occur months or even years after the initial implant surgery and tragically, can affect areas of the body other than the initial site of the joint replacement.

In recent years, patients who have developed severe Bair Hugger joint infections have filed lawsuits against the manufacturer 3M. The lawsuits allege that 3M was aware of the potential risk of periprosthetic joint infection, yet failed to properly inform the public.

If you or a loved one suffered a serious infection following knee or hip replacement surgery that required additional hospitalization, amputation, removal of the implant, or other surgery and you would like to speak with an attorney about your rights and legal options, contact our office at (877) 696-3303.



Labor Day Weekend Fun

The Labor Day weekend means great food, entertainment, and outdoor fun. Here are some sure-to-please activities for the whole family.

Cleveland National Air Show: Gather up the family and head down to the shores of Lake Erie for one of the Nation's most prestigious aviation events. Featuring a theme park with military, vintage and commercial planes and special appearances by the famed Blue Angels, Royal Canadian Air Force's CF-18 Demonstration Team and more. Tickets can be purchased online. Saturday, September 5 – Monday, September 7, 2015. www.clevelandairshow.com.

Cleveland Oktoberfest: A weekend packed with German food, polka music, dance, a Bavarian marketplace, classic car show, juried art exhibit and a corn hole tournament. Tickets available daily at the box office or by purchase online. Free parking. Free admission for kids 12 and under. Join the fun at the Cuyahoga County Fairgrounds, Middleburg Heights, OH. Friday, September 4 – Monday, September 7, 2015. www.clevelandoktoberfest.com.

The Great Geauga County Fair: A five-day event featuring live entertainment, a midway of rides, an abundance of fair food and livestock sales. Daily gate admission prices are just \$8 for adults and free for kids 12 and under. Stop by the Geauga County Fairgrounds, Burton, OH. Thursday, September 3 – Monday, September 7, 2015. www.geaugafair.com.

St. John Cantius Polish Festival: For a sample of authentic Polish dishes, Polka performances, live music, and more, take a trip to this Polish fest in Tremont, OH. Friday, September 4 - Sunday, September 6, 2015. www.everfest.com/e/st-john-cantius-polish-festival-cleveland-oh.

The Cleveland Orchestra at Blossom: Richard Kaufman will be conducting the world-renowned Cleveland Orchestra in the Music of John Williams, Hollywood's most legendary composer of film scores, including Star Wars, Indiana Jones, E.T., Harry Potter, Superman, Jaws, and Jurassic Park. Stop by Blossom Music Center for an 8:00 p.m. concert, followed by fireworks. Saturday, September 5 and Sunday, September 6, 2015. www.ClevelandOrchestra.com.

60th Annual Hungarian Scout Festival: Hungarian culture will come alive at Ohio's largest Hungarian festival! Freshly made delicacies, live Hungarian music, arts and crafts, games and activities including soccer matches, live animal programs, and folk art presentations. Stop by the German Central Park in Parma, OH. Sunday, September 6, 2015 from 10 a.m. to 11 p.m. www.csbk.org.

Vine Art Show: Forty fine local artists offering pottery, paintings, and jewelry. Kettle corn, gourmet wood-fired pizzas, delectable cakes and cookies. Wines and wine cocktails from the John Christ Winery. Live blues music from 1 to 5 p.m. Free parking. Avon Lake, OH. Sunday September 6, 2015. www.vineartsinfo.com.

Jazz under the Stars: Bring your lawn chairs and a picnic and enjoy the sounds of Bobby Selvaggio - one of the leading alto saxophone voices on today's jazz scene - and his jazz orchestra. Free admission and parking. Public Square in Medina, OH. Saturday September 5, 7 - 9 p.m. www.ormaco.org.

Surgeon Scorecard: Docs Measured by Complications

By: Nicholas A. DiCello, Esq.



Consumers now have access to data on how surgeons around the country are scored against their peers in a new online statistical research tool developed by the non-profit news organization ProPublica. Close to 17,000 doctors performing one of eight low-risk, common, elective (non-emergency) procedures such as gallbladder removal and hip replacements are measured in the new calculation. The public can access this research tool at <https://projects.propublica.org/surgeons>.

The report factors in various risks a surgeon encounters and adjusts the complication rates based on patients' ages, the quality of the hospital where the surgery took place, and other factors.

Although this public exposure is sure to make some medical professionals uncomfortable, it is a small price to pay for better patient care and arming medical consumers with the information that they need when selecting a surgeon.

The stakes are high for patients: about 66,000 cases of complications led to additional hospitalizations between 2009 and 2013, and at least 3,400 people died in the hospital after being admitted for one of the reviewed elective surgeries. However, the good news is that it found an overall low rate of death and readmission across the country — less than 5% for the eight procedures studied.

Having a surgical procedure at an elite institution with an outstanding reputation does not guarantee a good outcome. The ProPublica analysis found substantial variation within hospitals. So why do doctors working with the same staff and high-tech equipment have varying scores? The analysis and research suggest that complications can depend on doctor skill, a strict adherence to best practices with procedures, the volume of surgeries and direct follow-up and personal contact.

This ProPublica research tool is an important step to providing consumers of medical care the data they need to make informed decisions about their medical care.

PLAYGROUND SAFETY TIPS: THE TOP 10

Although playground safety has improved over recent years, it's important to be aware of common risks:

- 1. Fall-Surface Material:** Surfaces below playground equipment should be made of soft material such as wood chips, mulch, sand, rubber mats. The thicker the soft fall-surface the better!
- 2. Size of Fall-Surface Surface Area:** The greater and broader the soft surface below playground equipment the safer; a minimum of six feet in all directions is advised.
- 3. Clear Openings:** Wide openings on slides and tunnels help minimize the risk of getting stuck while at play.
- 4. Safe Clothing:** Drawstrings or other loose clothing items can get caught in playground equipment.
- 5. Overcrowding:** Too many children competing for a spot on a piece of equipment increases the risk of injuries.
- 6. Smooth Footing:** Watch for potential trip hazards that could cause your little one to take a tumble.
- 7. Safe Supervision:** Keep a watchful eye out for your child at all times.
- 8. Age-Appropriate Activities:** Help to ensure your child's safety by not sending your three year old out to conquer the monkey bars – or at least not alone. Take into consideration which playground activities are age- and skill-appropriate and lend a helping hand as needed.
- 9. Friendly edges:** Smooth edges on all equipment are a must, as are soft seats on swings.
- 10. Updated Equipment:** Today's playground equipment should feature safety railings, especially on high platforms.

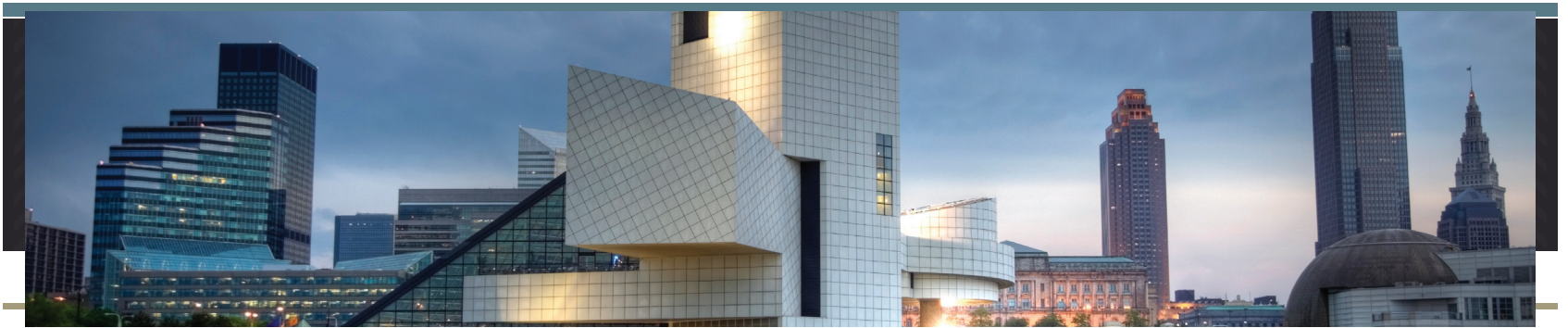
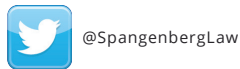
To learn more about how to provide your child with a safe and fun playground experience, visit www.nsc.org/learn/safety-knowledge.



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A referral from a client or friend is the greatest compliment our firm can receive. We are grateful for every one of these gestures and for the confidence you place in us by doing so. From all of us at Spangenberg Shibley & Liber, we express our sincere appreciation. Thank you!

ATTORNEYS SELECTED BY PEERS

We are pleased to announce that four of our attorneys have been selected by their peers for inclusion in the 22nd Edition of *The Best Lawyers in America 2016*.

Attorneys Peter H. Weinberger, Peter J. Brodhead, William Hawal, and Dennis R. Lansdowne were all voted by their peers for inclusion on the 2016 list of *The Best Lawyers in America*.

In addition, firm partner Dennis R. Lansdowne was named Best Lawyers' 2016 Medical Malpractice Lawyer-Plaintiffs "Lawyer of the Year" in Cleveland – an honor reserved for only one lawyer in each practice area in each community.



SUPERSTAR: 25 YEAR ANNIVERSARY

Members of the Spangenberg team joined together for a firm luncheon on July 21st to celebrate an important anniversary. Sheila Schebek, the firm's Mass Tort Department Coordinator, celebrated her 25th Anniversary with the firm last month.

Sheila joined the firm in 1986 as a legal assistant, took a brief four-year hiatus in the mid-'90s, and has been with us ever since. Sheila has worked tirelessly on behalf of thousands of our clients. Thank you, Sheila, for all your outstanding work over these many years.

