

December
2015



POINTS OF INTEREST

NEWS AND VIEWS OF THE SPANGENBERG LAW FIRM.

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A perspective on the practice of "double-booking" by surgeons and the need to ask questions



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We celebrated the season of giving by joining together to help two local families

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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Will a Surgeon-in-Training Be Operating On Me? Will My Surgeon Be Doing Two Surgeries at the Same Time?

BY: DUSTIN B. HERMAN, ESQ.



When you go to the hospital for a surgical procedure, you expect that your surgeon will be devoting his or her total attention on your operation. But in fact, part of the surgery may be performed by surgeons-in-training, known as residents and fellows. Or the surgeon may be engaging in a practice called "concurrent surgery" – which means doing two surgeries at the same time.

This past September, my mother and I sat anxiously in the hospital waiting room while my father was having surgery to implant a stent in his leg. About two hours into the surgery, the surgeon came out and told us my father was doing great, that the fellow was "closing him up," and that he would be transferred to the post-op room in a few minutes. Three hours later my father was still in surgery. The surgeon finally came back out to tell us that there had been a complication – the fellow had run into difficulty removing the guide

wire from the stent (an almost unheard-of complication). As a result, they had to open him up and do a complete bypass of the femoral artery. Three months later – after multiple complications and two more major surgeries - my father is just now beginning to recover.

New surgeons of course have to be trained in their craft, and my family knew my father was having his surgery at a teaching hospital. But we never asked the right questions to know in advance whether any residents or fellows would be performing surgery on my father and – if they were – whether the surgeon would be right there next to them making sure everything was done correctly.

"Concurrent surgery" is a worrisome practice that is receiving increasing scrutiny. This involves a doctor performing surgery on two different

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DOUBLE-BOOKED (continued)

patients - in two different operating rooms - at the same time, moving back and forth from one operating room to the other and relying on assistance from general surgeons or trainees. A recent article in the Boston Globe revealed the results of their investigation about this practice at Massachusetts General Hospital.

There is an ongoing debate in the medical community over the ethics and safety of double-booking operations. Hospitals maintain that this practice allows for greater efficiency and faster access to the sought-after surgeons who might have long wait lists. (This also enables hospitals to bill the full amount for both procedures during a single time period.) Within the medical community, two serious concerns have been raised: 1. Whether patient safety is affected by this practice; and 2. Whether patients have given their informed consent for this practice.

Patients and their family members must be advocates in the medical setting. Don't be afraid to ask your doctor direct questions about who will be performing the surgery and whether the surgeon will be present for the entire surgery. Also ask, especially if the surgery is scheduled for late in the day, how many other surgeries the surgeon has scheduled that day. I cannot imagine the concentration it takes - and how exhausting it must be - to perform surgery after surgery throughout an entire day. The bottom line: Ask questions, show your concern, and let the surgeon know that you expect to be fully informed about all aspects of the procedure.

GREAT SALE OR DECEPTIVE MARKETING?

By: STUART E. SCOTT, ESQ.

Black Friday has passed and Christmas is just around the corner, but if you're like me, there remains a lot of shopping to be done. Christmas shopping generally means crowded stores and lots of sales - purportedly great deals available for a limited time. But a spate of recently lawsuits brought against retailers has drawn into question just what constitutes a "sale."

When a product is "on sale" - regardless of the nature of the promotion - there is always a price against which the consumer is asked to compare that "sale" price - a "regular price" or "compare at" price or the like. However, recent lawsuits against retailers Kohl's and JC Penny's allege that some of those retailers' "regular prices" are a sham - that they are not prices at which the products are regularly offered or sold.

The case against JC Penny's recently reached a preliminary settlement of \$50 million.

The Spangenberg Law Firm is pursuing a similar suit against Jos. A. Bank Clothiers - a men's clothing company known for its "Buy 1, Get 3 Free!" suit promotions. As in the cases against Kohl's and JC Penny's, the allegation is that the "regular price" customers had to pay for the first suit was a sham. Almost no one ever paid that price. In reality, the cost of the other three suits were all included in the price of the first suit. No one was getting a "deal."

So what's the point? When you're shopping, try not to think about the "regular price" of a product that is on sale. Look at the product, observe visual signs of its quality and compare it to similar products at other stores. Ask the sales staff how frequently they actually sell the product at the "regular price." Come to your own opinion regarding the value of the product in determining if it is really a "deal." We'll keep working on getting retailers to be more honest, but in the meantime, buyer beware!



COLLEGE STUDENTS INVITED TO PARTICIPATE IN SCHOLARSHIP CONTEST

Spangenberg Shibley & Liber



Video PSA Scholarship Contest

The Spangenberg Law Firm's Video PSA Scholarship Contest has now launched!

We are passionate about serving the community and about protecting the rights of our clients. We invite students who will be enrolled in college next year and who share our passion about important societal issues to participate in our 2016 Spangenberg Law Firm Scholarship Contest, which challenges entrants to create an original, compelling, and impactful video public service announcement that addresses one of these topics:

- What can students do to help prevent bullying?
- Elections: Why is voting important?
- How can we help young people make healthier food choices at home and in school?
- Distracted driving: What can young people do to help end this epidemic?

Entrants will submit an original 30-to-60-second video Public Service Announcement (also known as a PSA) on their selected topic. Entries will be evaluated on originality, creativity, strength of message, and ability to inspire viewers.

The first prize winner, who will be selected by a Selection Committee, will receive a \$2,000 scholarship.

The second prize winner, who will receive a \$1,000 scholarship, will be selected by popular vote. Viewers will be able to vote for their favorite at www.Spanglaw.com/Scholarship during the public voting period.

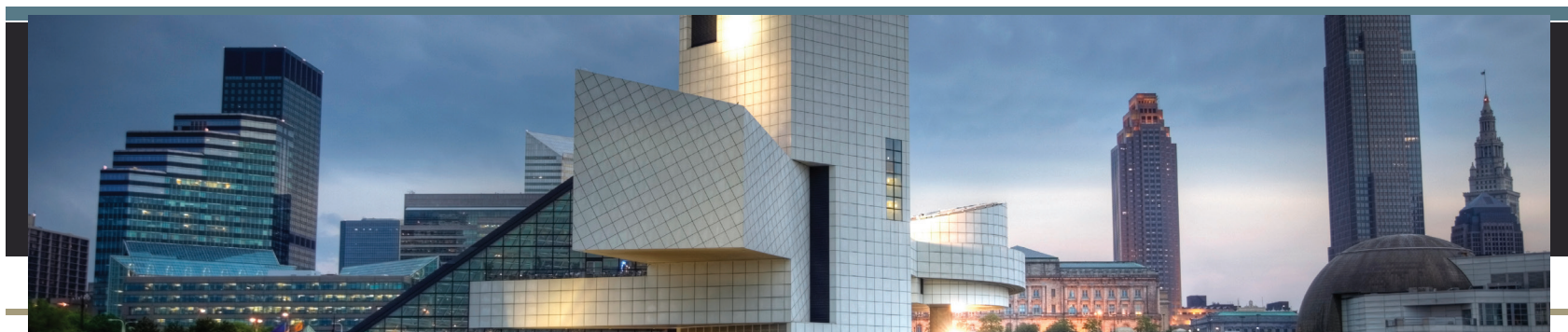
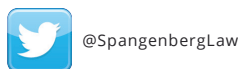
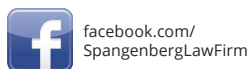
Want to learn more? Visit www.Spanglaw.com/Scholarship. The submission deadline is Friday, April 15, 2016.

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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!

TEAMING UP FOR THE HOLIDAYS



The Spangenberg Team once again joined together to bring holiday cheer to two needy families in our community.

We partnered with the Centers for Families and Children, which matched us up with two great families. We were so honored to be able to present each family member with a new warm coat and other cold weather gear, in addition to toys and games for the children.

We're already looking forward to next year's Adopt-a-Family opportunity! From our Spangenberg Law Firm family to yours, we wish you the very best this holiday season and in the coming year.

