

June 2015



POINTS OF INTEREST

NEWS AND VIEWS OF THE SPANGENBERG LAW FIRM.

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Jury verdict confirms a patient's right to safe medical care and the right to be informed about risks and alternative treatments

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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Protecting Your Social Media Image

BY: PETER H. WEINBERGER, ESQ.



Social media has become the most common way that people communicate with friends, family, and colleagues. The Pew Research Center reported recently that 74% of adults use sites such as Facebook, Twitter, Google+, LinkedIn, Snapchat, Tumblr and Pinterest.

If you went in for a job or college admissions interview and were asked to log into your social media accounts so that the interviewer could access them, you would likely be outraged, feel violated. Yet failing to set the security settings in your accounts or sharing private information in a public venue is tantamount to allowing outsiders to view whatever you post.

Protect Yourself

Do not assume that information you post online is confidential between you and the sender or you and your closest friends and family. Messages and images that you think are private can easily become public. And in fact, we have had clients who have been embarrassed by posts they had intended to be private and had made without thinking of the future impact such posts could have. It is important to exercise caution and, at a minimum, follow these guidelines:

- All social media accounts offer users privacy setting options that can help limit who can view the information that is being posted to your account. Set your accounts to "private" to help ensure optimal security.
- Know and manage your friends. Making your account "Private" is effective only if you manage your contacts. Approve only those you know and trust because once friended, they are granted access to view what you post.
- Not entirely private: Although these privacy settings can be beneficial, it is important to keep in mind that they don't guarantee complete protection.
- Once online, always online: Once something is posted online - even if later deleted - it can still be accessible in certain situations, or it may live on if it was copied or shared before being deleted.
- Postings on public sites are not private. If you comment on a company's site or Facebook page or on a public blog, your posts are most likely not private.
- Your online image is your public image: protect it by posting only information that you would want to share publically.

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Multi-Million Dollar Jury Verdict For Surgical Error, Failure to Inform

TABs in this area are unheard of in the medical literature – because of the risk of injury to the facial nerve.

After the procedure, Ms. Tahir suffered from facial paralysis and severe pain. It was discovered that her surgeon had traumatized and damaged Ms. Tahir's facial nerve - a major nerve that innervates the muscles of the face and provides sensation to the face. Tayba now suffers from permanent and debilitating pain that requires aggressive medical treatment. Because of her extreme pain, high levels of medication needed to treat the pain, and her facial paralysis, Ms. Tahir was forced to step down from her lifelong career as the Director of the Akron Polymer Training Center, a job she had intended to maintain for many years to come, and limit most of the activities that she had enjoyed prior to the procedure.

Tayba was represented by Spangenberg Law Firm attorneys Nicholas DiCello and Michael Hill. After a week-long trial, the jury delivered a multi-million dollar verdict to provide for Ms. Tahir's future medical care, lost wages, and pain and suffering. In doing so the jury sent a strong message about a patient's right to safe medical care and the right to be informed about the surgical risks and alternatives.



SUPREME SIGHTINGS

Spangenberg Law Firm attorney **Jeremy A. Tor** was selected to serve as a delegate at the 73rd Annual Sixth Circuit Conference, held in Detroit last month. In attendance at the conference were circuit, district, bankruptcy, and magistrate judges of the Sixth Circuit, as well as **United States Supreme Court Justice Elena Kagan**, with whom Tor had the opportunity for a brief sidebar.



Last month, attorney **William Eadie** appeared before the **Ohio Supreme Court** for oral argument in a Wrongful Imprisonment case. The case involved a man, C.K., who shot a violent intruder who had kicked in C.K.'s door panel and was assaulting C.K.'s tenant. C.K. was convicted - and later exonerated - for murder. The State is fighting against C.K. being compensated under the State's program for compensating wrongfully-imprisoned citizens, claiming that because murder has no statute of limitations, C.K. should never be compensated.

You can watch Mr. Eadie's oral argument at www.ohiochannel.org/MediaLibrary/Media.aspx. Read about recent developments in Ohio Wrongful Imprisonment law at www.spanglaw.com/blog/tags/wrongful-imprisonment.



Let's hear it for Dad: Father's Day is Sunday June 21st

The third Sunday of June every year is set aside to honor fathers and fatherhood. As a way to show these special men in our lives how much we appreciate them, treat Dad to a great day out in Cleveland!



Cleveland Indians vs. Tampa Bay Rays: Treat Dad to a day at the Ball Park. The game starts at 1:10 pm at Progressive Field where the first 5,000 fans age 12 and under will receive an Indians Kids' Cap.



Father's Day Throwback Baseball Game: Why watch baseball with Dad when he can lace up his own cleats? The Cleveland Metroparks' Brookside Reservation is hosting a free pick-up baseball game at the Brookside Stadium. 11am - 1pm.



Bowling For Soup the Dollyrots & Ivory Tribes: Dad's not a baseball fan? Take in a concert by this mid-'90s party rock band at the House of Blues. Concert time: 8:00 pm.



Cleveland Metroparks Zoo: Spend the day with some furry friends. Dads will be granted free admission from 10:00 am until 6:00 pm.



Brunch, Lunch or Dinner Cruise: Enjoy a special lunch cruise aboard the Goodtime III. Make your reservations at goodtimeiii.com/site/special-events. And the Nautica Queen is offering brunch and early dinner cruises throughout the day. Visit nauticaflats.com/events/fathers-day-cruises.

SCHOOL'S OUT! SELECTING A SUMMER CAMP

Summer camps will be in full swing before you know it, with great possibilities for lifelong friendships and lasting memories. Here are some important safety questions to ask when researching and choosing a summer camp for your little one:

- What is the counselor-to-child ratio? To ensure that your child is receiving proper care and attention, make sure that the camp is adequately staffed.
- Who are the counselors and how are they selected? Make sure that the summer camp conducts background checks before hiring its camp counselors.
- What kind of safety training is required of the counselors? Look for a camp where the counselors are licensed or certified in CPR and other areas that relate to the activities your children will be engaging in.
- Do camp directors have access to what they need to address medical conditions and special needs? Counselors and camp staff should be up-to-date on safety training and have immediate access to the equipment and medications necessary to address the medical needs of your child.
- Who has emergency contact information? As important as it is for the camp to be able to contact you in the event of an emergency, it is just as important for you to be able to contact your child in the event of an emergency on your end. Be sure that up-to-date contact information is exchanged.

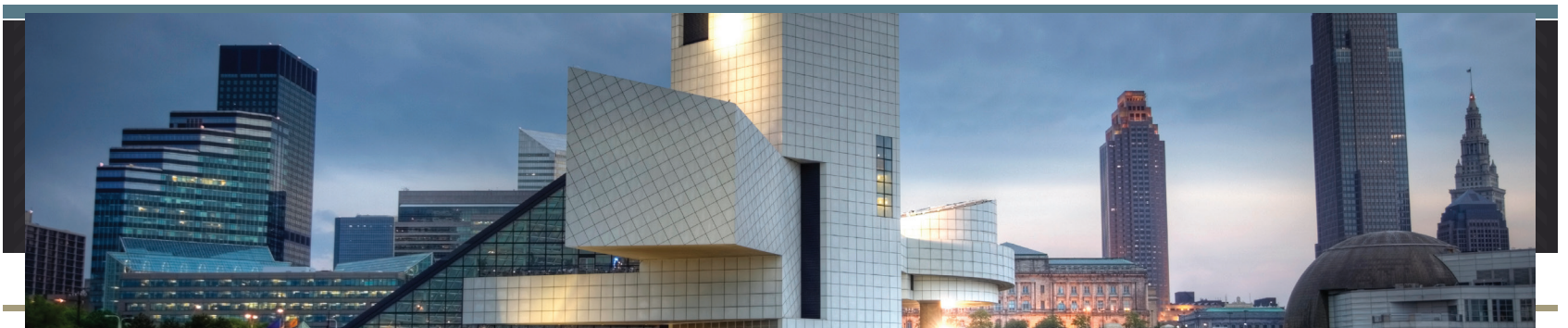
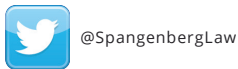
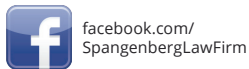


You can find resources for parents at www.CampParents.org.

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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!

JURY VERDICT SENDS STRONG MESSAGE ABOUT A PATIENT'S RIGHTS

Our patient, Tayba Tahir, underwent a temporal artery biopsy (TAB), a routine procedure usually lasting no more than 15-20 minutes. The goal of the procedure is to sample a small piece of the temporal artery for testing. TABs are typically performed in the hairline above the ear or sometimes in the temple or forehead area above the ear. The area below the hairline in front of the ear is sometimes referred to as a "surgical danger zone" because a bundle of facial nerves exists in this region.

Tayba's vascular surgeon made the incision in the "surgical danger zone" below Tayba's hairline and in front of her ear. The procedure lasted almost an hour and the surgeon failed to sample the temporal artery at all. Instead, the surgeon biopsied a piece of Tayba's temporal vein. As a



Ms. Tahir and attorneys Nicholas DiCello and Michael Hill result, the procedure had no benefit for Tayba. Tayba's surgeon never explained the increased risk of facial nerve injury in the location he attempted the TAB. [Continued on page 2]