



**From all of us to all of you,
Merry Christmas!**



It's that time of year again and we wish all of you the warmest of holiday wishes and hope that all of you have a very Merry Christmas. We have included some tips below on how to ensure a safe shopping season for you and we have also included some information regarding the new laws that have recently take effect in NC. We thank you for allowing us to share this information with you and encourage you to contact our office with any legal questions or concerns that you may have. If we are unable to assist you, we will connect you with someone who can.



Tort Reform Will Limit Medical Malpractice Recovery in North Carolina

Written By Lisa Godfrey

North Carolina Senate Bill 33 entitled "Medical Liability Reforms" will apply to all malpractice lawsuits against doctors, nursing homes, hospitals and other health care providers in North Carolina filed after October 1, 2011. The new law limits a patient's ability to recover civil damages for medical negligence that occurs in this state. In North Carolina, it has been estimated that more than 4,000 patients die each year as a result of preventable medical errors. This number is greater than the number of deaths from motor vehicle accidents, breast and prostate cancer, and homicides combined in this state in any given year. While significant funds and public attention is directed to the prevention of motor vehicle accidents and cures for cancer, the North Carolina legislature has seen fit to make it more difficult for victims of medical negligence to recover for their injuries.

For example, if a patient is injured as a result of the actions of an emergency room physician or health care provider, the patient must prove that the health care provider's departure from the standard of care amounts to gross negligence, wanton conduct or intentional wrongdoing. In the past, it was only necessary to prove that the physician or health care provider failed to meet the standard of care of others in the same profession with similar training or experience in the same or similar communities. This is the standard definition of negligence. Under the legislative reforms, negligence by an emergency care provider is no longer enough for a patient to recover.

An injured party's recovery for "non-economic damages" has been capped at \$250,000. Non-economic damages include pain, suffering, emotional distress, loss of a loved one's support and companionship, physical impairment, disfigurement or other permanent disability. Even if a jury seeks to award damages in excess of the \$250,000 limit, the judge is required to reduce any award to the statutory limit.

Another significant reform is that evidence of damages cannot be submitted to the jury until the jury has made a determination on the issue of liability. Thus, under the new law, all medical malpractice cases are divided into two sections. The jury hears only the evidence relating to liability in the first trial and all damages evidence is reserved until the second trial.

Clearly, these changes in the law will make it more difficult for patients who have been injured by the negligence of a physician, nursing home, hospital or other health care provider to recover for their injuries. In the years leading up to the passage of Senate Bill 33, the number of medical malpractice cases filed in North Carolina has actually declined while the population of North Carolina and the number of physicians practicing in the State continues to increase. Of the low number of medical negligence cases that were filed, 96% were settled or dismissed before or during trial. Of the 4% that actually went to a verdict, the vast majority of those verdicts were in favor of the Defendant. In the five-year period from 2006 to 2010, only 57 malpractice cases resulted in a Plaintiff's verdict of which the median jury award was \$302,600. There is certainly a real question as to why the legislature needs to limit patients' rights to recover for medical errors when the number and size of medical negligence verdicts against physicians is decreasing.

If you suffer a death or serious, permanent injury from medical negligence, you should have your case evaluated by an experienced personal injury attorney to discuss your options for recovery.



New NC Laws Effective as of December 1, 2012.

Contributed by Heather H. Piercy

Many new laws took effect on December 1, 2012. Not only as a newly licensed attorney, but also as a North Carolina resident, I believe it's important to stay informed on our state's new laws. One of the laws hit home with me in particular and I would like to share it with you.

Two Christmases ago, I was in Target attempting to make a purchase which totaled probably \$40.00, and my card was declined. Embarrassing, right? I walked out of the store in a fury and called my bank. To my surprise, my bank told me they had frozen my account after someone tried to make a \$1,500.00 purchase in some remote town in Illinois at a nightclub. A law student at the time, I certainly wasn't making any \$1,500.00 purchases that didn't consist of textbooks or tuition. As my fury subsided, I was thankful that my bank caught the attempted fraud so quickly and enforced that kind of protection.

This incident led me to be more aware of identity theft. Identity theft through electronic means is certainly a growing problem. The North Carolina laws that went into effect on December 1, 2012, allow consumers to freeze their accounts to stop identity thieves from using their credit information. From my point of view, any protection you can offer me in regards to identity theft is a good thing, and I'll take it.

If you are interested in reading about the other laws that went into effect on December 1st, including the new 2012 School Violence Protection Act which details the new cyberstalking laws which have been in the news lately, click on either of the two links below where you can read the bills in their entirety.

<http://www.ncsheriffs.org/Weekly%20Legislative%20Report/2012/NCSA.FLR.2012.pdf>

<http://www.ncleg.net>



Interning for KBKG

Written by Serena Ghaemizadeh, KBKG Intern

I began as an intern through the CMS Internship Program at the Knox Law Center when I was a Junior at Myers Park High School. I interned as a “court house runner” for Attorney Allen Brotherton. I fell in love with my internship and couldn’t stay away from the office. I am now a student at Queens University majoring in Communication (Media Studies) with a Pre-Law minor and work part-time at the Knox Law Center as a runner and assisting with file maintenance, etc. I love working for Mr. Brotherton and Ms. Sherry Crump and feel like I learn something new from them almost every day. I have been working for them for over three years now and I am so thankful for the opportunity that they have given me.

With that being said, Ms. Crump asked me to write a few words about some other internship programs in which I have become involved. When the DNC came to Charlotte, I was one of three Queens students to work with ABC News during the Convention. I was able

to work alongside of Dawn Piros, ABC NewsOne producer for New York and was able to meet Diane Sawyer, George Stephanopoulos and other anchors and news correspondents. My tasks included running errands, learning about live-shots, stand-in positions for World News, and much more. I am still in touch with Dawn and while in New York over Thanksgiving, I met up with her and she gave me a tour inside of ABC News Headquarters and we later had dinner in the city. Now, in addition to my part-time work at the law firm, I am interning for the Fox's Teen Choice Awards, where I manage promotions for several of the 45 cities they will be visiting.

These internship experiences along with my job at the law firm have helped me in deciding on a career in entertainment law. I am taking the LSAT next semester. So I am eternally grateful to the attorneys and staff at the Knox Law Center for all they have done and continue to do for me!

Don't be a Victim of Identity Theft – Tips for Online Christmas Shoppers

by Micah Scott, KBKG Intern

It is hard to believe that at some point in the not so distant past people physically left their homes to go shopping! Not anymore. But be careful this holiday season if you are shopping online. Check out the below tips we found online to help ensure the safety of your online identity.

1. **Confirm the security of the website on which you are shopping:**

- Check the URL and confirm it says "HTTPS" and make sure you see a small padlock icon in the address bar when you get to the payment step

2. **Confirm that your security software is current:**

Security experts agree that a solid anti-virus program should keep you away from unsafe online shopping sites.

3. **Be wary of deals that appear you receive via email:**

Claudia Lombana, Paypal's Shopping Specialist advises that you should never click

on the link in an email. Instead, go to the company's webpage. Clicking on links from direct e-mail sources can cause a lot of trouble if the link is not legitimate.

4. **Never use the same password for every site you visit and with which you establish accounts:**

This is a no-brainer, but many people are using the same password and user name on all of their online accounts. This could lead to disaster. A hacker only has to obtain your user name and password one time and then immediately has access to all of your accounts. And stay away from pet names, family names, birthdays!

5. **Use care if you are shopping on your phone or tablet:**

Be sure your tablet or phone is password protected and make your purchases over a secure and password protected WI-FI network!

For those of you who prefer to do their shopping in person and not online, Lincoln County Sheriff David Carpenter offers the following tips to help ensure your safety:

1. **Don't let your guard down.** Criminals will be lurking in shopping malls and in parking lots to take advantage of unsuspecting shoppers
2. **Shop in groups during daylight hours**
3. **Park in well-lit areas**
4. **Let someone know where you are shopping**
5. **Keep cash and car keys in your pocket or elsewhere on your person, not in your wallet or purse**
6. **Be wary of strangers approaching your car**
7. **Never walk alone in a parking lot- don't hesitate to ask a security guard to walk you to your car**
8. **Do not write your pin numbers on credit cards**

USMC Toys For Tots Campaign

Join us in our efforts to collect new and unwrapped toys for children in our area. We have donation boxes set up in both our Charlotte and Denver office and we will be collecting toys until Friday, December 21st. Help brighten a child's Christmas this year!



From Left: Amber Thomas and Kathy Fain

And this Christmas, let us all remember the following Christmas Gift Suggestions:

To your enemy, forgiveness.

To your opponent, tolerance.

To your friend, your heart.

To your customer, service.

To all , charity.

To every child, a good example

To yourself, respect.

(Author Unknown)

We love to hear back from our readers about our newsletters. So send us an email at knoxbrotherton@knoxlawcenter.com and let us know what you think. If you would like to be removed from our electronic mailing list or if you have received duplicate emails, please let us know by sending an email to address above as well.

We encourage you to read how our clients are reviewing us. To read client reviews, testimonials, information regarding past cases handled by our attorneys, and for any other information regarding our practice, visit our web sites at www.knoxlawcenter.com or www.northcarolinaaccidentattorney.com.



Knox Law Center
817 East Trade Street
Charlotte, NC 28202
P - (704) 372-1360
F - (704) 372-7402



Knox Law Center
7476 Waterside Loop Road
Denver, NC 28037
P - (704) 827-6667
F - (704) 372-7402

The information in this email should not be construed as legal advice and no attorney-client relationship is established with the firm of Knox, Brotherton, Knox & Godfrey through receipt of this email. The firm of Knox, Brotherton, Knox & Godfrey does not support or endorse the policies, services, or information offered by the web site links in this email.