February 2012

WINSTON, CLARK & WIGAND, P.A.

Perfecting the Art of Protecting Your Rights

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BRAD WINSTON IS ENGAGED!

Wedding bells are ringing for Brad and his lovely fiancé Betty Bluhm. A small wedding is planned for immediate family and close friends.

FEBRUARY BIRTHDAYS

Happy birthday to our team members celebrating a birthday this month.

Michelle L. Ponte
Business Manager
Presuit Division Head

Lori Wheaton
Litigation Paralegal
Lori got an early birthday gift of a new granddaughter!

BIKES & BEAUTIES MAGAZINE FEATURES BRAD WINSTON'S MOTORCYCLES

Motorcycle attorney Brad Winston has been riding motorized bikes since childhood. Like many riders, he progressed from lawnmower-powered mini bikes as a small child through dirt bikes, café racers in the 70's and 80's to almost all kinds of Harley Davidson and sport bikes. He rides regularly on a home built [rat] hard tail, a 2001 Yamaha FZR1000, and has many off-road vehicles, dirt bikes, and quads.

The January issue of *Bikes & Beauties* magazine features three of his favorite motorcycles. See the collection online at www.bikesbeauties.com.

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THE FLORIDA BAR BOARD CERTIFIED CIVIL TRIAL

Mr. Winston is Board Certified in Civil Trial by The Florida Bar

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keeping ahead

OF CERVICAL CANCER HPV TESTING CAN LOWER YOUR RISK

Even with every breakthrough in cancer diagnostics or treatments, the annual death rates due to cancer provide a stark reminder of just how much farther there is to go before that fight is won. This is what fuels cancer research and innovation – the idea that one small improvement in our understanding of cancer can vastly increase the chances for a positive outcome for those with the disease.

Such is the case with cervical cancer – screening guidelines for the disease have been in existence for over half a century and have become the primary weapon against the disease. Current recommendations suggest that women over the age of 30 undergo pap smear testing every year, which involves the analysis of cells from the cervix in order to check for any abnormalities.

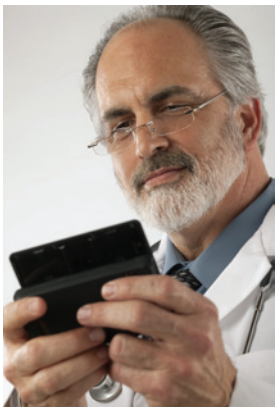
Although those guidelines have shown to be fairly effective in the early detection of tumors, another form of testing helps detect the Human Papillomavirus (HPV), a sexually transmitted disease that leads to most instances of cervical cancer.

Based on the results of a recent study, women over 30 who undergo pap smear testing and HPV testing can reduce their cancer risk as much as three times in comparison to women getting the pap smear test alone. Getting both tests done has additional benefits, as well. For instance, if the HPV test comes out negative and the pap smear results are normal, additional testing may not be needed for up to five years.

In addition to the support of other prominent cancer research groups, the American Cancer Society is now on board – recommending the HPV testing be done in conjunction with an annual pap smear test to provide the best chance of detecting cervical cancer early. ■

THE DISTURBING TREND OF

distracted doctoring



With much of the future of medicine and science being funneled through new technology, more and more medical professionals are utilizing electronic gadgets at work. And while the benefits can be huge (for instance, having instant access to patients' medical histories through devices like the iPad could potentially enable doctors to cut down on medical errors), these devices also have the uncanny ability to distract medical professionals.

Whether it's a computer, a Smartphone or a tablet, most of these technologies have internet access and come with easy-to-maneuver applications for social media sites like Facebook or Twitter. And that's on top of text messaging and personal cell phone calls.

According to a recent study on medical technicians who monitor bypass machines, approximately 55 percent admitted to talking on a cell phone during a heart surgery.

Though these distractions can become a problem for all age groups, those that seem the most susceptible to getting distracted are today's young health care professionals. Most medical professionals in this age group grew up being constantly connected through social media and cell phones, and therefore find it difficult to detach themselves from the outside world even for a few short hours.

Though the potential benefits of new technological devices in medical settings are very real, it's important to remember that they can come with unintended side effects and may ultimately be just as detrimental to patient care as they are beneficial.

Medical errors are a major problem in the United States, with some studies estimating that nearly 100,000 people are killed each year as a result of errors and hundreds of thousands more injured. If you or a loved one has been harmed by a medical error or mistake, you should consult with an experienced medical malpractice attorney to make sure your rights are protected. ■

asking for help

WHEN TO CONSULT A PERSONAL INJURY ATTORNEY

When it comes to filing a personal injury claim, there may be cases when you can do so without the help of an experienced personal injury attorney. But even if you feel confident that you don't need the help of an attorney to win your claim, simply having a personal injury lawyer on your side during the process can motivate insurance companies into taking your claim seriously.

In most cases, however, the help of a personal injury attorney cannot be underestimated. Once the legal process has begun, the array of legal rules and stipulations applying to your claim can leave you muddled in confusion if you aren't thoroughly educated on the law. Another reason you should always consult an attorney when filing a personal injury claim concerns your potential compensation. Compensation for severe injuries can vary greatly depending upon the circumstances of your situation, and an experienced attorney can ensure you'll get the greatest amount of compensation that you are entitled to.

With the following types of personal injury claims, an attorney should almost always be consulted:

- **Long term injuries and permanent injuries.** It doesn't matter whether an injury affects your appearance or your ability to function properly. If the injury lasts for more than a year, or is permanent, an attorney can help determine how much compensation to pursue.

- **Severe injuries.** An attorney weighs several variables to determine the compensation you should receive from a severe injury, including medical bills, the type of injury and recovery time.

- **Medical malpractice.** A personal injury claim against a medical facility or health care professional due to carelessness or neglect can become very complex.

- **Toxic exposure.** Claims involving this type of injury require scientific evidence to support your assertions. An attorney can help gather that evidence for you.

Even if your claim doesn't fall into one of those categories, you're claim is still important. If you want the best chance to win your claim and get the compensation you deserve, it is recommended that you always consult an experienced personal injury attorney to guide you through the process. ■

Important Dates – February 2012

February 2 – Groundhog Day
February 14 – Valentine's Day
February 20 – Presidents Day
February 21 – Fat Tuesday/Mardi Gras
February 22 – Ash Wednesday
February 29 – Leap Day

"News from the Winston, Clark & Wigand Team" continued from page 1.

DAMAGES RECOVERED FOR CLIENT OF WINSTON, CLARK & WIGAND, P.A.

The firm recovered damages in a recent legal malpractice case in which attorney Bradley Winston represented the owner of West Sunrise Development Corporation, a Broward County corporate shopping plaza. Six-figure damages were paid short of an appeal in December, following a November, 2011 judgment. ■

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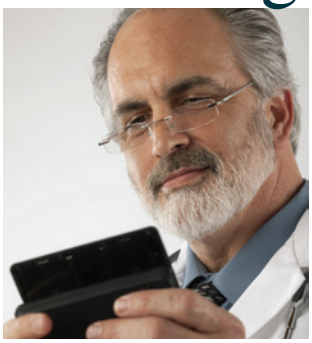
distracted doctoring



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This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

e-cheating on the rise

While cheating has always existed in schools, new research indicates that it has evolved quite a bit in recent years. Seemingly gone are the days of writing notes on your hand or simply looking at someone else's test. Much to the dismay of teachers, many students are utilizing handheld devices and other forms of technology to cheat in school.

As a result, an unfortunate – but very real – aspect of teaching nowadays is trying to keep up with the latest methods of cheating, and that responsibility has become much more difficult as technology has advanced and younger people grow more and more adept at utilizing it.

Students can now save entire chapters of notes to their phones and view them during tests or even digitally insert answers into soft drink labels (it's true!). Who would have thought that the Snapple bottle that Johnny brought to school had all of the answers to the test on it?!

Some of the other ways students are using technology to cheat include:

- Texting other students for answers
- Texting other students photos of exams
- Using tiny, wireless ear bud headphones to get answers over the phone from a friend

According to a recent study, 35 percent of teens between the ages 13 and 17 utilize cell phones to cheat in school. However, that pales in comparison to cheating through the internet – approximately 52 percent of students in that age group admitted to using the internet to cheat.

Though some blame teachers for turning a blind eye to these new cheating techniques, others feel this trend tells us more about the pressures that come along with being a student in the 21st century than anything else. ■