



Chamblee & Ryan, P.C. Look Back on 2009 and Upcoming Events for 2010

Chamblee & Ryan is a full-service law firm that is dedicated to keeping our clients informed of the constantly evolving trends and regulations in several key areas of law. Any employer, physician, trucking company, or other professional is well aware of the fluid nature of the rules and regulations governing their business.

In order to provide our clients with the most up-to-date information about recent trends and legislative changes, we have published newsletters in several key practice areas including medical malpractice, health law, employment law, trucking, family law, veterinary law, and Chamblee & Ryan's appellate practice.

In 2010, you can expect to see more from Chamblee & Ryan through additional newsletters and articles that will be published monthly and will focus on the trends and legislation that will directly affect how you conduct your business.

In addition to newsletters and articles, Chamblee & Ryan is hosting seminars that will focus on general liability and health care. We are pleased to announce that we will host a General Litigation Seminar this fall. The seminar will cover various hot topics and current trends in civil litigation. Please watch for updates regarding the specific date and location. We hope you will choose to join us!

We are also pleased to announce that our firm will be offering a Health Law Lecture Series in 2010 to health care entities and practice groups throughout the state. Our goal is to keep physicians and their staff apprised of significant topics and issues facing health care providers today. Planned topics include the current status of federal health care legislation, employment matters, licensing and credentialing, recent changes and trends in group practice, medicine and technology, and other recent developments in health law. We plan on taking these one-hour lectures to the providers' place of business, so that they can learn valuable information over their lunch hour. We hope that you will take advantage of these "lunch lectures" and give us a call to set one up your at your office today!

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Looking back at 2009, each newsletter touched on some significant developments as a new administration entered the White House and cultural phenomena such as Swine Flu and Twitter impacted trucking and divorce proceedings.

Employment Law

One of the biggest issues of 2009 was the heated debate over the Employee Free Choice Act, commonly referred to as the “card-check” bill. Critics of the bill asserted that the Act was the opposite of “free choice” and would have forced employees across the country into unions.

The debate about the “card-check” bill was short-lived but extremely intense. Ultimately, Congress shelved the bill for a later date amidst heated debate and opposition to the proposed healthcare reform bill. This turn of events was good news for employers, as the Act would have created unions where none had existed before. While the legislation has yet to be passed, it is clear that unions and some in the government are becoming more vocal in attempting to reignite the debate over “card-check”.



Trucking

The hysteria that swept the country over the Swine Flu pandemic posed a huge threat to trade that moved by truck across the U.S.-Mexico border. Fortunately, scenes of small children wearing surgical masks and long lines outside of vaccination centers that once flooded the media have since faded and the potential trade crisis was averted.

Considering that Mexico is the second largest trading partner with the United States, it was clear that, if the situation in Mexico worsened, various industries and their supply chains would have been brought to a screeching halt. The impact would have been felt immediately by the general public through inflated consumer prices and diminished supply.



Medical Malpractice

As most Texans are aware, in 2003, the Texas state legislature and the citizens of Texas passed House Bill 4 and approved a constitutional amendment known as “tort reform” which, among other things, provided certain procedural and substantive protections to physicians who are the subject of a health care liability claim.

Over the past two years, several favorable opinions have been issued by the Texas Courts of Appeals which clarify and uphold the protections afforded to physicians under tort reform. One of these protections involves the ability of physicians to be protected from providing depositions or discovery responses until the claimant has filed and served a sufficient expert report.

The goal behind tort reform was to weed out the claims that lacked merit and force plaintiffs, at the outset, to have another physician review the case and provide a report outlining the criticisms against the defendant physician before the case could move forward. However, plaintiffs and their attorneys consistently tried to circumvent the process and attempt to take the defendant physician's deposition and conduct written discovery before they provided a report.

The Courts of Appeals finally stepped in and clarified various statutory provisions and put an end to this practice of investigating a medical practice claim and interrogating defendant physicians before showing that the claim had any merit.

Health Law

The Health Law practice at Chamblee & Ryan often involves the representation of physicians before the Texas Medical Board (the “Board”). The Board releases annual statistics each fiscal year that shows the number of complaints filed, investigations opened by the Board, and number of sanctions issued by the Board. In 2009 (fiscal year 2008), there was a slight decrease in complaints from the previous year. Coincidentally, in the years following tort reform, the Board has received a startling number of complaints each year.

While not every complaint results in an investigation, each and every complaint demands a timely and effective response from the physician. The attorneys at Chamblee & Ryan remain committed to providing physicians with informed and experienced counsel to successfully navigate the process of defending a Board complaint.



Chamblee & Ryan, PC - Family Law Section

Facebook, Twitter, MySpace and other social networking sites have proven to be a great and useful means of communication in today's digital age. Not only do these social networking tools provide an opportunity to connect or reconnect with friends and family members, but they also have a tremendous downside.

Social networking, at its essence, allows for brutally honest introspection, as if having a heart-to-heart conversation with a close friend but at the expense of having those thoughts and feelings on display for the entire world to see.

As part of their investigation, attorneys are now scouring these social networking sites to find that comment or photograph that can make or break their case. This is especially true in divorce and child custody cases. While these social networking sites are an incredibly easy and efficient means of communication, they should be used sparingly and with caution during a divorce or child custody proceeding. Navigating through a divorce or child custody proceeding can be perilous enough without the added worry of wondering what photograph or conversation may show up in the courtroom.

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In addition to the topics discussed in this newsletter, all of the Chamblee & Ryan newsletters are located on www.chambleeryan.com. The additional topics are Appellate Law, Veterinary Law, and Wills & Estates.

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