



## GARY SAYS:

### Forget the dangers of texting while **DRIVING**; how about texting while **WALKING**?

New York motorists can no longer read, write, or send text messages or play games on their cell phones or computers while driving. New York State's legislature found that text messaging is an unsafe distraction to drivers that can cause accidents and injuries and, effective November 1, 2009, enacted Vehicle and Traffic Law Section 1225-d, imposing a fine of up to \$150 upon violators.

The law specifically applies to any "portable electronic device," which is defined as a handheld mobile telephone, personal digital assistant (PDA), handheld device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device.

The law does not apply if you're facing an emergency. But please, Dear Readers, don't lie

to the police if caught, for the consequences could be worse than just a traffic ticket.

This leads to my next topic and pet peeve: texting while walking—which can be equally as dangerous as texting while driving. I've almost hurt or killed pedestrians crossing in front of me against the light who were looking down and text messaging.

According to some doctors, many young texters are tumbling face-down and injuring chins, eyes, and mouths, particularly if they trip while clutching—and trying not to drop—their cell phones. And while broken teeth can bring new business to dentists, pedestrians need to pay attention and not trip on raised sidewalks or broken sidewalk gratings or other barriers or obstructions on the street. Or worst of all (or second worst after being hit by a car), trip over another pedestrian, hurting him or her.



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Law Offices of  
GARY E. ROSENBERG, P.C.

## Referrals

Our practice continues to grow through referrals from our clients and friends. If you know someone who has been seriously injured or hurt in an accident, we hope you will recommend us.

Thank you,  
*Gary E. Rosenberg*

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**(718) 520-8787**

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*What is written here is not legal advice. You should consult your attorney before applying any of this information to a specific situation.*

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# Patient-safety legends

Seemingly outrageous lawsuit fables spread like wildfire. Few question them, never realizing that they are fictitious “tort reform” messages spread by corporations and insurance companies.

We’ve all heard them. “Runaway juries award huge monetary verdicts.” “Medical-negligence lawsuits hike health-insurance costs and drive doctors out of business.”

We want to correct two fabricated claims about doctors and reduced patient safety.

**Q:** *What do lawyers have against doctors?*

**A:** Lawyers aren’t against doctors. Attorneys and doctors are equally committed to protecting patients and improving lives. Both groups have witnessed how insurance companies raise doctors’ premiums, deny patients’ coverage, refuse payments to doctors, and do everything they can to hoard profits.

**Q:** *But isn’t it true that junk lawsuits are driving doctors out of business?*

**A:** No. Insurance companies and other special-interest groups spread this untruth. It’s just a scare tactic. The American Medical Association reports that the number of doctors has increased in every state for years. Forty-six of 50 states have seen growth faster than their overall population. In all specialties, the number of doctors has either held steady or risen year by year.



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