

Tibia-Tribune

Spring 2017 / Volume 17 / Number 1 / www.soaassn.org

President's Message

Samuel I. Brown, MD



Dear Colleagues,

Remarkably the year is flying by and we will all be arriving at Hilton Head, South Carolina in only a few short weeks. The year 2017 is on the run and we have all witnessed an unprecedented time of transition and change in almost every area of our lives. The world of Orthopedics and health care in general has been and will be at the forefront of many of the changes.

As such, there has never been a better year to come to the SOA Annual Meeting in Hilton Head. The economic impact of the 2017 changes will be far reaching so now is the time to get better informed and learn not only how to survive in Orthopedic surgical practice but how to thrive!

Effective January 1, the Meaningful Use (MU) EHR Incentive Program, (PQRS) Physician Qual-

ity Reporting System and (VBM) Value Based Modifier Program were consolidated into the NEW (MIPS) Merit-Based Incentive Payment System. CMS (Center for Medicare/Medicaid Services) will use this information in its reimbursement schemes forthcoming.

Our Annual Meeting in Hilton Head will cover all aspects of Academic Orthopedic Surgery as usual, but this year will also have a major focus on helping all of us understand and implement the modifications needed to successfully navigate these ever changing "waters." Physician leadership has never been more important as we move forward. We as surgeons must also become physician leaders if we are to take back the control of our own future. Too long we have altruistically focused only on the practice of medicine, thinking the "Administrators" would take care of the business side of medicine. They have certainly "taken care of it." Now we need to get involved and put forth a united position within our Orthopaedic profession.

Support the SOA Education Fund

Help support the SOA Education Fund, a 501(C)3 tax exempt fund, with your charitable donation. SOA established an Education Fund to provide educational opportunities for young orthopaedists throughout the territory.

For several years now, SOA has had the pleasure of providing more than \$12,000 in research grants for residents at its Annual Meeting. Contributions from members have helped to make this possible. These resident research grants will continue to be a focus for SOA at its Annual Meeting.

With the need for funding being even greater now that many institutions are not funding residents to attend meetings, SOA is planning to fill this need by expanding its educational funding efforts. The SOA Education Fund has created a

layer of financial stability and security for SOA that strengthens its position and ensures that it continues to provide educational funding to the residents and fellows following behind us. Your contributions will be the force that will help us expand our educational grant program for the years to come.

Make your mark on the future and be a part of SOA's Education Fund. We encourage you to make a donation to help SOA achieve its goals for funding educational programs for residents. It is a worthy endeavor and one that will endure for generations.

The process to donate is simple. Just go to www.soaassn.org/donations, and you can make a donation instantly.

34th Annual Meeting



Westin Hilton Head Island
June 28-July 1, 2017 | Hilton Head Island, SC

If you are not registered for Hilton Head, don't delay further. We will have just the tools for you to learn about all of these changes. The meeting will be in tropical Hilton Head, South Carolina at the amazing Westin Hilton Head Island Resort and Spa. The entire resort is housed within the Port Royal Plantation, displaying one of the widest beaches in the south-east coast of the United States. The golf, tennis, biking, kayaking, paddle boards and yes surf boards are in constant use there. You and your family will have endless opportunities for the perfect summer get away. The location provides reasonable driving distance from many areas.

continued on p. 2

INSIDE

| | |
|--|------|
| In Memory of Past SOA Presidents | p. 3 |
| SEC Athletic Orthopaedic Team of The Year | p. 3 |
| Thank You SEC Grantors and Exhibitors | p. 3 |
| Register Today for the 34th Annual Meeting | p. 4 |
| Future SOA Meetings | p. 4 |
| Program Chair's Message | p. 4 |
| Presidential Guest Speaker | p. 5 |
| Distinguished Southern Orthopaedist | p. 5 |
| Scientific Program Highlights | p. 6 |
| Money Matters | p. 6 |



Southern Orthopaedic Association

SOA Board of Trustees

PRESIDENT

Samuel I. Brown, MD

PRESIDENT-ELECT

Matthew J. Matava, MD

SECRETARY/VICE PRESIDENT

Ryan M. Nunley, MD

TREASURER

Andrew A. Shinar, MD

IMMEDIATE PAST PRESIDENT

Darren L. Johnson, MD

BOARD OF TRUSTEES

James A. Browne, MD

James R. Ficke, MD

Jeffrey A. Guy, MD

Christopher A. Heck, MD

Lee R. Leddy, MD

H. Clayton Thomason III, MD

Historian (Ex-Officio)

C. Lowry Barnes, MD

Editor (Ex-Officio)

L. Andrew Koman, MD

SOA BOC Representative

Fred C. Flandry, MD, FACS

2017 Program Chair

Robert D. Zura, MD

SOA Central Office

110 West Road, Suite 227
Towson, MD 21204-2136

Phone: 866-762-0730

Fax: 410-494-0515

E-mail: info@soaassn.org

Web Site: www.soaassn.org

Executive Director

Chuck Freitag

Director of Operations

Cynthia Lichtefeld

President's Message continued

Robert Zura, Chairman of Orthopaedic Surgery at LSU is our Program Chairman. Bob and his Program Committee have worked tirelessly to construct an academic meeting without rival. The program will include sub-specialty symposia, multiple resident paper awards and our invited guest speakers.

This year we are privileged to have Dr. John Feagin as our Distinguished Southern Orthopedist. Dr. Feagin's name is synonymous with physician leadership. He is the former Chief of Orthopaedics at the 86th Evacuation Hospital in Qui Nhon, Vietnam, Commander of Keller Army Hospital at West Point, a founder and President of the AOSSM, Team Physician for the US Olympic Ski Team and former Professor of Orthopaedic Surgery at Duke University. His accolades go on and on and his annual Feagin Leadership Conference has had national acclaim.

In addition, we are honored to have Dr. Kevin Plancher as our Presidential Guest Speaker. Dr. Plancher brings a wealth of experience with him and has been at the forefront of our changing world in medicine and Orthopaedic Surgery in the last 10 years. Dr. Plancher is Clinical Professor in Orthopaedic Surgery at Albert Einstein College of Medicine. He is a founding member of the Educational Enhancement Fund of the American Academy of Orthopaedic Surgery. His experience and leadership of the Orthopaedic Summit Meeting has given him vast insight into the changing terrain of the practice of Orthopaedic Surgery in this country.

Once again, the SOA will provide the most family friendly academic meeting you will ever find. The entertainment and activities for children of all ages are unlimited in Hilton Head and if you have never been there, you are in for a treat. Once you see the island you will surely put it on your Top 5 vacation spots list for your next family trip. With over 20 CMEs available and SAE opportunities, you can easily stay in stride with your MOC requirements.

From the extraordinary beautiful sunrise over the ocean to the amazing sunsets across the is-

land you and your family will be well taken care of. The tropical setting lends itself to flip flops and Caribbean casual attire. Don't worry about packing tuxedos, suits or formal evening dresses. Speakers may wear a golf shirt and forget the suit and tie! The "Gala" Saturday will also be beach attire so ladies if you have a crazy Carman Miranda hat, this is your chance! Keep your eyes open for Jimmy Buffett—he is well known in the area.

This has been another great year for the Southern Orthopaedic Association. Congratulations are in order for our own Dr. Jeff Guy, Team Physician for The University of South Carolina. He has been chosen SEC Athletic Team Physician of the year 2016. Dr. Scott Mair, Chairman of the Program Committee has once again produced a popular and highly successful SEC Sports Medicine Symposia (SOA at SEC) in March, where Dr. Guy received his award.

Sadly, this year we lost two strong members and giants in the world of Orthopaedics. Dr. Neil Green and Dr. Angus McBryde both past Presidents of the SOA passed away this year. They were both leaders in their fields and are greatly missed. Our heartfelt sympathy goes out to their wives and families.

A final word regarding our amazing management team from Data Trace. Cynthia Lichtefeld, Chuck Freitag and Stacy Wald are simply unchallenged when it comes to planning, constructing and orchestrating our meetings. They have helped guide the SOA into a solid regional academic society with educational and financial stability allowing us to continue with our mission of leading and educating young (and older) surgeons in their chose specialty. It has been a pleasure to work with this team as President this year. Please join me, my wife, Rosemary and our two daughters, Nancye and Sarah in Hilton Head June 28-July 1. It will be a highlight of your summer!

Sincerely,

Sam Brown

Samuel I. Brown, MD

President, Southern Orthopaedic Association

The SOA

The Southern Orthopaedic Association (SOA) was founded in 1983 for physicians who are engaged in the specialty of orthopaedic and trauma surgery. Its mission is to develop and foster the art and science of medicine in the specialty of orthopaedic and trauma surgery. SOA operates exclusively for charitable, scientific and educational purposes.

In Memory of SOA Past Presidents

ANGUS M. MCBRYDE JR., MD

Angus M. McBryde Jr., MD of Columbia, South Carolina, passed away unexpectedly on Tuesday, October 4, 2016 at age 79. He was a founding member of SOA, the second President in 1984-1985 and the 2012 recipient of the Distinguished Southern Orthopaedist Award.

NEIL E. GREEN, MD

Neil E. Green, MD of Hilton Head Island, South Carolina, formerly of Nashville, Tennessee, died peacefully on Saturday, July 9, 2016 at age 75. In 1995-1996 he was the thirteenth SOA President.

**Please see the Fall 2016 Newsletter for the complete articles of their accomplishments.*

SEC Athletic Orthopaedic Team Physician of The Year

Jeffrey A. Guy, MD



One of the highlights of the SOA SEC Program is a special presentation honoring the outstanding SEC Team Physician of the Year, chosen by the SEC Head Athletic Trainers.

Congratulations to Jeffrey A. Guy, MD, who received the 2016 award at the meeting. In addition, the USC Athletic Training Staff received a check for \$1000.00 to be used for student athletic trainer education, courtesy of DJO Global who has sponsored this stipend since the award's inception in 2003.

Dr. Guy received his medical degree and residency training at Harvard University. While in Bos-

ton, he completed fellowships in trauma at Massachusetts General Hospital and pediatric sports medicine at Boston Childrens Hospital. He finished his training with a fellowship in sports medicine under the direction of Drs. James Andrews and Bill Clancy at the American Sports Medicine Institute in Birmingham, AL.

Dr. Guy is currently an assistant professor within the Department of Orthopaedic Surgery and Sports Medicine at the University of South Carolina School of Medicine and Director of the University of South Carolina Sports Medicine Center. In addition, he serves as Medical Director of the Athletic Training Education Program in the College of Education, and adjunct professor within

the USC Arnold School of Public Health Department of Exercise Science.

As Medical Director and team physician of the University of South Carolina Athletics, Dr. Guy oversees all of the athletic teams at the University of South Carolina. In addition to USC, he is the team physician to more than 20 Columbia area high schools, 10 area middle schools, two professional dance companies and six colleges and universities.

The SOA SEC Team Physician of the Year Award is sponsored by DJO Global and the Southern Orthopaedic Association.

SEC Exhibitor Recognition

The Southern Orthopaedic Association would like to thank the grantors and exhibitors of the "Southern at the SEC: Sports Injury Update and Case Based Discussion 2017"

Without the unrestricted educational support of the companies listed below, we would not have been able to provide this symposium. In addition, a special note of thanks to DJO Global for sponsoring the 2016 Southern Orthopaedic Association's SEC Team Physician of the Year Award.

Arthrex - Grantor Smith & Nephew, Inc.

Arthrosurface, Inc.
DJO Global
Ferring Pharmaceuticals, Inc.
Lipogems

Sanofi Biosurgery
Vericel Corporation
Zimmer Bioment

Register Today for the 34th Annual Meeting

The SOA Annual Meeting will be held June 28 - July 1, 2017 at the Westin Hilton Head Island Resort & Spa in picturesque Hilton Head Island, SC. View the Preliminary Program, which includes all the meeting information, online at www.soaassn.org.

The Westin Hilton Head Island is beautifully situated amid lush gardens along a stretch of beach. The newly renovated Resort promises both relaxation and invigoration for the entire family. With 12 miles of breathtaking Atlantic beachfront, Hilton Head Island is located on the Intra-coastal Waterway and encompasses vast sea marshes, creeks and lagoons, and moss-draped forests of live oaks, magnolias, pines and palmettos. There are countless things to do in Hilton Head with practically any water sport imaginable, along with great outlet and boutique shopping and award-winning restaurants.



For everyone's convenience, SOA has reserved a block of sleeping rooms. To make a reservation, call the Westin Hilton Head Island Resort & Spa at 800-937-8461. Space is limited, so make your reservation early! Please mention that you are with Southern Orthopaedic Association to get the discounted rate. Register for the meeting online at www.soaassn.org. Cutoff for SOA Room Rates is June 2, 2017.

Upcoming SOA Meetings



34th Annual Meeting

June 28-July 1, 2017

The Westin Hilton Head Island Resort & Spa
Hilton Head Island, SC



35th Annual Meeting

July 11-14, 2018

The Breakers
Palm Beach, FL

Program Chair's Message



Dear Fellow SOA Members, Spouses, and Guests:

On behalf of the SOA Board of Trustees, President Sam Brown, MD, and myself, we look forward to welcoming you to the Southern Orthopaedic Association's Annual Meeting to be held June 28 - July 1 on Hilton Head Island, South Carolina. We have put together an exciting academic and social program. The quality of the scientific submissions this year was truly impressive with over 200 abstracts considered. The program will consist of Podium, Rapid Fire and E-Poster presentations, along with a variety of symposia including leaders in orthopaedics.

The Program Committee has put together an exciting academic program that contains something for general orthopaedist as well as subspecialist, and will give every attendee numerous opportunities to engage. The SOA meeting will allow attendees to earn up to 24 credits of CME.

It would be difficult to find a better educational opportunity at any other meeting.

This year's Distinguished Southern Orthopaedist is retired Army Colonel John. Feagin Jr., MD, a world-renowned authority on knee surgery. The Presidential Guest Speaker will be Kevin Plancher, MD, a leading orthopaedic surgeon and sports medicine expert. These speakers will be highlights of the meeting and spouses are encouraged to attend.

Symposia will be offered throughout the program covering some hot topics in clinical orthopaedic surgery today. Symposia will include current concept debates on Sports Medicine led by Claude Moorman; Paul Lachiewicz will cover hot topics and controversies in Total Knee Arthroplasty; Robert Fitch will moderate Pediatric Fractures; Fred Flandry will discuss Survival in the New Medical Paradigm; Joints will be headed by Vinod Dasa; Dean Taylor will cover Medical Lead-

Program Committee

The Southern Orthopaedic Association gratefully acknowledges the following orthopaedic surgeons for their contribution to the development of the scientific program.

Robert D. Zura, MD, Chair
L. Andrew Koman, MD
Lee R. Leddy, MD
Scott D. Mair, MD
Ryan M. Nunley, MD

ership; and Peter Krause will lead Pilon Fractures: Getting through the Night.

We look forward to seeing you all at the SOA Meeting in Hilton Head. The Westin Hilton Head Island is a beautiful meeting location along a stretch of sandy-white beach. Please make every effort to attend what should be a great educational and family friendly event.

Robert D. Zura, MD
2017 Program Chair

Multimedia Education Sessions

The SOA will provide multimedia education sessions Thursday, Friday and Saturday afternoons, June 29-July 1. A comprehensive selection of AAOS videos will be available for your individual education. These videos will highlight surgical procedures and current concepts in Orthopaedics. Registered attendees should find these videos informative and helpful in their practice.

2017 Presidential Guest Speaker

Kevin D. Plancher, MD



The SOA 2017 Presidential Guest Speaker is Kevin D. Plancher, MD. He is a leading orthopaedic surgeon and sports medicine expert with extensive knowledge in knee, shoulder, elbow, and hand injuries. Dr. Plancher specializes in treating

anterior cruciate ligament tears and shoulder injuries, which he sees frequently as a physician for the US Ski Team and League Physician for Major League Lacrosse. His minimally invasive procedures include: partial knee replacements, arthroscopic rotator cuff repairs, arthroscopic Bankart repairs, and endoscopic elbow release for severe tennis elbow. He also specializes in total and reverse shoulder, and knee replacements. Dr. Plancher developed the arthroscopic technique for releasing a nerve for posterior shoulder pain. He has a keen interest in adolescent sports injuries and injury prevention for young female athletes.

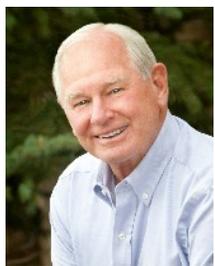
Dr. Plancher is a Clinical Professor in Orthopaedics at Albert Einstein College of Medicine in New York and is a member of many prestigious national and international societies and associations, and is a founding member for the Educational Enhancement Fund of the American Academy of Orthopaedic Surgeons.

Dr. Plancher earned his Bachelor's degree in chemistry and biochemistry from Trinity College in Hartford, CT. He then went on to earn his Master's in Science in Physiology and Doctorate in Medicine from Georgetown University in Washington, DC. Dr. Plancher completed his residency at Harvard University's Combined Orthopaedic program. He then went on to complete two post-graduate fellowships, the first at The Indiana Hand Center focusing on hand and microvascular surgery. The second was at the world-renowned Steadman-Hawkins Clinic, focusing on sports medicine and reconstruction of the shoulder and knee.

In addition, Dr. Plancher is the Fellowship Director of an ACGME accredited sports medicine program in NYC and CT. In 2001, he founded "The Orthopaedic Foundation for Active Lifestyles," a non-profit 501 (c) (3) foundation focused on maintaining and enhancing the physical well-being of active individuals through the development and promotion of research and supporting technologies. His campaign, "Educating our Kids for a Pain Free Tomorrow" brings young scholars to the Foundation's BioSkills lab for the "Doctor for the Day" program where they operate on synthetic limbs and use simulated surgical techniques. The foundation also participates in clinical trials, and Dr. Plancher serves as principal investigator in a five-year study involving cartilage replacement.

2017 Distinguished Southern Orthopaedist

COL (Ret) John A. Feagin Jr., MD



John A. Feagin Jr., MD is the recipient of this year's Distinguished Southern Orthopaedist award. Colonel Feagin is a native San Antonian, whose father was an Air Force pilot and mother a fourth-generation Texan. He graduated

from Texas Military Institute in 1951 and received an Appointment to the U.S. Military Academy at West Point. He was commissioned in 1955 as a Second Lieutenant in the Artillery and assigned to the 82nd Airborne Division Artillery. In 1957 COL Feagin was granted leave without pay to attend Duke Medical School in 1957 as the first Active Duty Army officer to attend medical school. He returned to active duty in 1961 and was commissioned as a Captain in the Army Medical Corps.

After completing his Orthopaedic surgery residency at Walter Reed Army Hospital in 1966, COL Feagin served as an Army Surgeon with the 85th Evacuation Hospital in Vietnam, as the Orthopedic Surgeon and Team Physician at West Point, and completed Fellowships in Sports Medicine, Joint Replacement and AO Fracture Surgery. After twenty-four years of service, COL Feagin retired from the Army 1979 as the Commander of Keller Army Hospital at West Point.

After retiring from the Army, COL Feagin entered private practice in Jackson, Wyoming then served as the Team Physician for the Duke Basketball and Faculty at Duke University. He retired from active surgical practice in 1999 and has since served on the Scientific Advisory Council of Steadman-Phillipon Research Institute in Vail, Colorado.

A world-renowned authority on knee surgery, COL Feagin has been inducted into the Honored Sports Medicine Hall of Fame by the American Orthopaedic Society for Sports Medicine, he is an Associate Professor Emeritus at Duke University where the Sports Medicine Leadership Program is named for him, he is a Professor for the Uniformed Services University of Health Science, he was the Founder and President of the American Orthopedic Society for Sports Medicine, and chosen as a Distinguished Graduate by the U.S. Military Academy at West Point in 2004.

In addition, COL Feagin served as Physician for the U.S. Ski Team for the 1992 Winter Olympics, he has provided volunteer medical service in Kenya, Khazakstan, Cuba, Panama and Vietnam.

COL Feagin lives in Jackson, WY and enjoys skiing, golf, traveling and spending time with his family.

**Scientific Program Highlights
(Maximum of 24 CME Available)**

Thursday – June 29, 2017

GENERAL SESSION 1: Resident Awards
RAPID FIRE SESSIONS 2A-D: Sports / Other, Total Joints, Hand / Upper Extremity and Outcomes / Basic Science
GENERAL SESSION 3: OREF Report and Presidential Guest Speaker, *Kevin D. Plancher, MD*
RAPID FIRE SESSIONS 4A-D: Sports / Upper Extremity, Trauma, Total Knee and Other
SYMPOSIUM 1: Sports Medicine Current Concepts Debates
SYMPOSIUM 2: Joints
SCIENTIFIC E-POSTERS (Open daily to all participants before and after the Scientific Program.)
MULTIMEDIA EDUCATION SESSION (Available each day following the E-Poster Session.)

Friday – June 30, 2017

SYMPOSIUM 3: Pediatric Fractures: We'll Break it Down, A Case Based Symposium
RAPID FIRE SESSIONS 5A-D: Total Hip, Total Knee, Upper Extremity and Foot & Ankle
GENERAL SESSION 6: AAOS Report & Distinguished Southern Orthopaedist, *COL (Ret) John A. Feagin Jr., MD*
SYMPOSIUM 4: Survival in the New Medical Paradigm
SYMPOSIUM 5: Hot Topics and Controversies in Total Knee Arthroplasty
SCIENTIFIC E-POSTERS (Open daily to all participants before and after the Scientific Program.)
MULTIMEDIA EDUCATION SESSION (Available each day following the E-Poster Session.)

Saturday - July 1, 2017

RAPID FIRE SESSIONS 7A-D: Sports Medicine, Shoulder, Trauma / Foot / Tumor and Spine/Total Knee
SYMPOSIUM 6: Orthopaedic Surgeon Leadership
SYMPOSIUM 7: Pilon Fractures: Getting Through the Night
GENERAL SESSION 8: BOC Report and Presidential Address
RAPID FIRE SESSIONS 9A-D: Trauma / Infection, Sports Medicine, Pediatric / Total Joint / Foot & Ankle and Spine / Basic Science
SCIENTIFIC E-POSTERS (Open daily to all participants before the Scientific Program.)
MULTIMEDIA EDUCATION SESSION (Available each day following the E-Poster Session.)



**Dispelling the #1 Myth of Asset Protection:
Why You Can Lose Assets in a Medical Malpractice Lawsuit**

David Mandell, JD, MBA & Jason O'Dell, MS, CWM

As an attorney (David) and consultants (both) to over 1,000 physicians, we encounter many misconceptions about asset protection planning. In this article, we will address the most important of all misconceptions regarding asset protection: that this area of planning is not important. The thinking of many physicians around the country, and unfortunately their advisors as well, is that there is little to any risk of a physician losing personal assets in a malpractice claim, especially if there is \$1-3 million malpractice insurance coverage.

There are a number of key issues in this analysis to review. We will take each one individually:

1. Finding proper data is difficult

Those of you who have spoken to us, or read our book *For Doctors Only* or other articles, know that we are not people who use extremes. Like you, we like to see data before making judgments or forming opinions. However in this area, tracking how many physicians lose personal assets in malpractice actions is very difficult, if not impos-

sible to obtain. That is because the legal system publishes filed cases and judgments rendered, but they do not publish the collections of those judgments.

There are no reporters that publish what happens once a judgment is rendered. Did the plaintiff, with a judgment in excess of coverage limits, simply settle for the amount of the medical malpractice insurance? Did the plaintiff and his attorney pursue the personal assets of the physician and his family to satisfy any excess judgments? These are questions for which there are no answers in the published materials.

Every week in the malpractice reports we review, there are dozens of malpractice actions decided in the states where we practice. Although most decisions are for the physician defendant, there are some small judgments and some very large judgments for the plaintiff. This may be the same in your location as well. Nonetheless, we can only hypothesize about what will occur once these very large judgments are rendered. It seems that

many physicians and their advisors simply assume that their plaintiffs in these cases will walk away from very large judgments and simple settle for the malpractice insurance coverage. Let's look at a couple of reasons why this may not be so.

2. Payments, Not Evictions

A common theme in speaking to physicians, including orthopaedic surgeons, and their advisors around the country on this topic seems to be that "I have never personally heard of anyone losing their home to a lawsuit," and therefore the conclusion is that it doesn't happen. However, if one understands the goal of litigation and the plaintiffs, this certainly isn't surprising. What does occur instead of eviction, is that the plaintiff with the judgment will file a lien on real estate, levy bank accounts, and essentially put levies or liens on any assets of the physician to the amount of the judgment owed to them. The goal is not to kick the physician out of their home, but to make the doctor take a loan against the home to pay off the excess judgment. And this, we can assure you, happens with regularity.

continued on p. 7

Statements and opinions expressed in the advertisements and information regarding products or services herein are those of the author(s) and do not necessarily reflect those of the Publisher or the Association. The Publisher and the Association do not assume any responsibility or liability for such material and do not endorse, guarantee or warrant any product or service advertised in this newsletter.

Have you taken the Self-Assessment Exam yet?

It's free for members (a \$95 savings) and provides 10 CMEs toward your Maintenance of Certification.

Register today at www.soaassn.org/sae

Money Matters continued...

Consider this situation, a true story from David's law practice: "In New York, I had a couple come to see me. He was a cardiologist and she an OB/GYN. They said that she, the OB/GYN, had just been successfully sued for a malpractice case in which the judgment rendered against her was \$4 million, \$2 million more than her personal malpractice coverage. I told him at the time that there was nothing I could do since there was already a judgment. While I have not spoken to the client since, do you think that the plaintiff and their attorney who rightfully won a \$4 million judgment would simply settle for the \$2 million of insurance coverage when they could put a lien on the \$1.5 million of equity in the defendant's home in a matter of days (or hours!) with minimal cost?"

The Legal Obligation of the Plaintiff Attorney: Get the Cash

There seems to be an underlying assumption by attorneys who advise doctors that asset protection isn't important and that plaintiffs and their attorneys will not go after physicians' personal assets because it is "distasteful" or for some other reason. Put yourself in the shoes of the plaintiff and the attorney. The plaintiff's attorney has a professional and ethical obligation to represent his or her client in their best interest to the fullest extent of the law. If, as an attorney, David represented a plaintiff who had a \$4 million judgment with only \$2 million paid by insurance, and he knew that the defendant had millions of dollars of assets that were unprotected that he could attack in order to get the client paid in full, David would have to do this. In fact, if he didn't pursue those assets, he would be liable for malpractice to the client, and rightfully so.

When you combine the misconception of physicians that plaintiffs and attorneys won't go after their assets because of some kind of ethical con-

sideration with the fact that there are, in fact, ethical rules requiring an attorney to go after such assets, you can understand why the advice "you don't need asset protection" is so off-base.

Why Wouldn't You Protect Assets?

If you have ever read our materials or heard us speak, you know that we are not people who say the "sky is falling." Even with the statements made in this article, it is still statistically relatively low risk that you will lose personal assets in a malpractice action, regardless of your specialty. However, the point that we make with our clients and in our books and articles is that asset protection planning can actually benefit you in many ways beyond lawsuit protection.

In fact, most of the asset protection we do for clients is relatively low cost and has numerous financial, tax and estate planning benefits as well. Thus, the question becomes "if asset protection planning can protect you in many ways and can cost relatively little, why wouldn't you do it...when there is even a slight chance that you will lose personal assets at some time during your career?"

Conclusion

Certainly, asset protection planning is a crucial part of a client's wealth planning today – especially for physicians. Everyone acknowledges that there is some risk of a beyond-insurance limits lawsuit for any doctor. If this is true, and proper asset protection may actually help you BUILD wealth, then such planning cannot be ignored. The authors welcome your questions. You can contact them at 877-656-4362 or through their website, www.ojmgroup.com

SPECIAL OFFERS: To receive a free hardcopy of Wealth Protection Planning for Orthopaedic Surgeons and Sports Medicine Specialists, please call 877-656-

4362. Visit www.ojmbookstore.com and enter promotional code DATATR09 for a free ebook download of Wealth Protection Planning for your Kindle or iPad.

David B. Mandell, JD, MBA, is an attorney, consultant, and author of more than a dozen books for doctors, including Wealth Protection Planning for Orthopaedic Surgeons and Sports Medicine Specialists. He is a principal of the financial consulting firm OJM Group www.ojmgroup.com along with Jason M. O'Dell, MS, CWM, who is also a principal and author. They can be reached at 877-656-4362 or mandell@ojmgroup.com.

Disclosure:

OJM Group, LLC. ("OJM") is an SEC registered investment adviser with its principal place of business in the State of Ohio. OJM and its representatives are in compliance with the current notice filing and registration requirements imposed upon registered investment advisers by those states in which OJM maintains clients. OJM may only transact business in those states in which it is registered, or qualifies for an exemption or exclusion from registration requirements. For information pertaining to the registration status of OJM, please contact OJM or refer to the Investment Adviser Public Disclosure web site www.adviserinfo.sec.gov.

For additional information about OJM, including fees and services, send for our disclosure brochure as set forth on Form ADV using the contact information herein. Please read the disclosure statement carefully before you invest or send money.

This article contains general information that is not suitable for everyone. The information contained herein should not be construed as personalized legal or tax advice. There is no guarantee that the views and opinions expressed in this article will be appropriate for your particular circumstances. Tax law changes frequently, accordingly information presented herein is subject to change without notice. You should seek professional tax and legal advice before implementing any strategy discussed herein.



Southern Orthopaedic Association

110 West Road, Suite 227

Towson, MD 21204-2136

E-mail: info@soaassn.org

Do You Know a Qualified MD or DO Orthopaedic Colleague Who Is Not an SOA Member?

New Member Incentive

Refer and sponsor **one** new member and receive 1/2 off the registration fee for the next annual meeting.

Refer and sponsor **two** new members and the registration fee for the next meeting is waived.

Completion of an accredited residency program and privileges to practice as an orthopaedist in a local hospital are the requirements for both MD and DO candidates.

**Free
Registration!**

Apply for
membership
online at
www.soaassn.org

or call
866-762-0730
and ask for
an application.

Member Benefits:

- » 24 FREE CME credits per year through the *Journal of Surgical Orthopaedic Advances (JSOA)*
- » Free subscription to the *Journal of Surgical Orthopaedic Advances (JSOA)*
- » Free 10-credit Self Assessment Exam
- » Eligibility to participate in Ortho-Preferred®, a professional liability insurance program exclusively for orthopaedic surgeons
- » Substantial member discounts to SOA Meetings
- » Registration fee discounts to other regional society meetings
- » Free subscription to official SOA newsletter—*The Tibia Tribune*
- » Awards and professional recognition