

## FREQUENTLY ASKED QUESTIONS

### Medical Negligence

#### 1. *What is medical negligence?*

Physicians, nurses, and other health-care workers, hospitals, nursing homes are liable for an injury or death caused by their negligence. The term “negligence” in this context means that a doctor, nurse or other health-care worker failed to comply with the applicable standard of care. The term “standard of care” means that the doctor, nurse or other health-care worker failed to act as a reasonably careful physician, nurse or health-care worker would have acted under similar circumstances. It is also necessary to show that the medical negligence caused the injury or death.

#### 2. *How is medical negligence proven in court?*

Unless the injury is one that is within the common knowledge of people who are not in the health-care field, such as operating on the wrong leg, the law requires that medical negligence be established by expert testimony. This means that in order to prove that a physician or a nurse negligently caused an injury, a suitably qualified doctor or nurse must testify that the physician or nurse who has been sued was negligent and that this negligence caused the injury or death. We work with nationally recognized medical and other experts to prove these complex cases.

#### 3. *What compensation does the law provide for those who have been injured by medical, hospital or nursing home negligence?*

The law provides for the same measure of damages in these cases as in any other personal injury case. Once a jury determines that a person has been injured as a result of the wrongful conduct of another, the jury is asked to compensate that person for: past and future medical and hospital bills, past and future wage loss or loss of earning capacity, disfigurement, disability or loss of a normal life, and past and future physical and mental pain and suffering. In a wrongful death case, the family of the person killed may be entitled to compensation for the loss of financial support that the decedent would have provided, as well as compensation for the loss of the love, companionship and affection of the deceased. Under a recent change in Illinois law, a family will also be able to seek compensation for their grief.

We work with nationally ranked experts, such as economists, life-care planners, physicians and others to prove that our clients are entitled to the greatest amount of compensation that the law allows.

#### 4. *What should I do if I think I may have a medical, hospital or nursing home malpractice case?*

You need to speak to a lawyer qualified and experienced in medical, hospital or nursing home negligence cases as soon as possible. There are time limits under the law within which

such a case must be filed. All rights can be lost if suit is not filed within these time limits.

The first step to determining whether there was medical negligence that caused an injury is to get a complete copy of the medical or hospital records relating to the treatment in question and bring these records with you when you come to see us. You should also gather any other relevant information, such as where later treatment was rendered and bills or other documentation of the cost of such care, and any other information, such as pay stubs, that will help show lost income. Bring this information when you come to consult with us.

*5. How much does it cost to hire a lawyer to represent me or my family in a medical, hospital or nursing home negligence case?*

There is no charge for an initial consultation. If we take on your case, we receive a fee based on a percentage of the amount recovered. There is no fee if there is no recovery. We are also reimbursed from any recovery for the costs we advance to prosecute the case.

Because expert testimony is almost always required to prove a medical, hospital or nursing home malpractice case, on occasion we ask our clients to pay the cost of having a physician or other expert conduct the initial review the medical records. If we then accept the case, we advance all further costs and are reimbursed for these costs from the recovery.