

I Hope You Will Never Need a Medical Malpractice Lawyer

When an injury occurs to a patient due to improper conduct by a health care provider, it is termed medical malpractice. Medical malpractice lawyers are specialized in this field. Thousands of deaths and injuries occur every year due to medical malpractice. Medical malpractice is not restricted only to the doctor but by legal definition encompasses nurses, dentists, therapists, radiologists, laboratory technicians, clinics, hospitals etc. There are stringent for curbing medical malpractice. Numerous lawsuits are filed every year for medical malpractice in the US. The patients or their near ones have the right to claim for economic and non economic damages. Generally claims are made for improper medication, improper surgery, misdiagnosis, negligence etc. The patient can file a claim lawsuit even when the informed consent of the patient is taken. The principle behind these types of claims is that the doctor is not absolved of responsibility even if the consent of the patient is taken. Medical malpractice cases are complicated for various reasons. The primary reason is that when the patient comes under the care of the health care provider he/she is already ill or injured. Hence it becomes complicated to assess the damage caused by negligent medical care independent of the earlier illness or injury. Another complication in medical malpractice is that the burden of proof is on the plaintiff (patient or the medical malpractice lawyers). The plaintiff needs to prove three things in court: That the health care provider has failed to provide the patient with adequate and reasonable care. That this failure to provide reasonable care is the cause of the damage caused to the patient. Hence it is the liability of the health care provider to pay for the damages. A further complication that arises is that the plaintiff has to produce expert witness. There are very few doctors willing to testify against a fellow doctor, even in cases of gross negligence. Hence it is vital to hire a good and experienced lawyer, a medical malpractice lawyer. Most law firms take medical malpractice cases on contingent basis and provide expert witness also. Contingent basis means the law firm gets paid from the damages recovered from the defendant. Most of the medical firms are covered by insurance. Generally the insurance companies shy away from paying damages to the patient but if the patient is represented by an experienced lawyer they are willing for an out of court settlement. This is to avert the risk of a trial and the court may award more penalties. The courts generally levy two types of penalties on the defendant that are compensatory and punitive penalties. Compensatory penalties are given to make good the damages to the patient. They are of two types of compensatory penalties, economic and non-economic damages. Economic damages are awarded to compensate for monetary losses like medical care cost, medicines cost, loss of income. The economic damages are awarded for both future and past losses. Non-economic damages are awarded to compensate for non economic damages like pain, disfigurement, embarrassment, emotional stress etc. Punitive penalties are awarded to punish the health care provider however they are rarely awarded.

About the Author

The Duke Sports Medicine and Sports Performance Program is designed as a supplement to the player development and sports medicine programs.

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