

5 THINGS TO DO IF YOU'RE HURT BY A DOCTOR

Suspect medical malpractice?
Steps to Take for a Successful Claim



Everyone has to rely on a medical practitioner at some point in their life. We trust that these doctors and nurses are capable and trained professionals who only have their patients' best interests at heart. Unfortunately, that's not always the case, and it leads to millions of avoidable medical errors each year in our country.

While not all bad medical outcomes are caused by medical malpractice, some are the direct result of a medical professional's gross oversight and negligence, and can lead to serious physical, emotional, and financial harm to patients.



Pursuing a medical malpractice case in situations like these is not easy. Proving a doctor failed to meet the "standard of care" — or the level of care that a competent and skilled doctor is expected to provide for their patient — is notoriously difficult. Fortunately, our attorneys at [Morgan & Morgan](#) are highly experienced in taking on negligent medical professionals, and we're not afraid to go to court to help patients who have been devastated by substandard care if that's what it takes to potentially win.

Medical Malpractice FAQs

We have the answers to your most important product liability questions, including:

Q. What is a medical malpractice case?

A. Medical malpractice occurs when a health care provider delivers faulty, substandard, or negligent treatment that results in injury or death to the patient.

However, there are several specific factors that determine whether a medical malpractice case will hold water. Not all bad outcomes are caused by medical malpractice.

In order to demonstrate medical malpractice, an attorney must prove:

- There was a doctor-patient relationship, and the doctor had a duty to provide care.
- The provided care and treatment fell below accepted medical standards. In other words, is it likely that another doctor would have made a similar mistake?
- The patient suffered harm as a result of the provided care.
- The harm suffered is quantifiable.

Q. Can I file a malpractice suit against someone who isn't a doctor?

A. Anyone who provides healthcare services may be named as a defendant in a medical malpractice lawsuit.

Q. Can I lose my right to pursue a lawsuit if I didn't follow a doctor's instructions?

A. It depends on how much you deviated from following the doctor's instructions, as well as the severity of the doctor's negligence. If you do not exercise due care, or if you fail to mitigate your injuries by ignoring the doctor's instruction, you may be found to be comparatively negligent. If this is the case, any damages you receive may be minimized.



Q. I signed a consent form prior to my procedure. Can I still recover damages in a medical malpractice claim?

A. It's possible that you will still be able to recover damages, even if you signed a consent form. If your doctor's actions and treatment didn't live up to standard medical practice, you may have basis for a medical malpractice case. While medical procedures are often risky and unpredictable, a doctor's negligence has nothing to do with your consent.

Q. Is a misdiagnosis considered medical malpractice?

A. If your doctor incorrectly diagnoses you, and you suffered additional harm due to that misdiagnosis, you may be able to seek legal compensation through a medical malpractice case.

The key question in misdiagnosis cases is the same as in other medical malpractice lawsuits: Would another physician have handled the case drastically differently? Would he or she have caught the problem earlier? It is a question of the accepted standard of medical care.



Medical Error Checklist: What to Do When You Suspect Medical Malpractice

The days following a medical error are crucial. If you suspect something wasn't right with your medical treatment or the outcome of your procedure, it's essential to begin documenting your experience right away.

Here are five steps to take if you believe you are victim of medical malpractice:

- Seek medical attention immediately, if you are still suffering additional injuries or symptoms that you suspect resulted from a medical error.**
- Document the suspected medical error, including detailed notes of your symptoms and injuries, the dates they occurred, the procedures or surgeries you've undergone, and their outcomes.**
- Get copies of your medical records.**
- Get a second opinion about your treatment.**
- Consult an experienced medical malpractice attorney to see if you have a case.**

Top Three Causes of Death in the U.S.*



HEART DISEASE:
611,000



CANCER:
585,000



MEDICAL ERROR:
251,000

*Source: Martin Makary and Michael Daniel, "Medical error—the third leading cause of death in the US," Johns Hopkins University School of Medicine. May 2016.



Our Medical Malpractice Verdicts & Settlements

Our medical malpractice attorneys have tried thousands upon thousands of medical malpractice cases. We've successfully obtained justice for our clients by taking on hospitals, doctors, and nurses who have done harm.

Case	Pre-Trial Offer	Verdict	Description
Trentham v. Williams	\$0	\$1,971,000	A seven-year-old suffered a serious nose disfigurement after a doctor made a medical error while attempting to correct a medical condition.
Smith v. Lee Memorial	\$100,000.00	\$19,200,000	The Smiths' prematurely born daughter suffered serious, permanent disabilities due to Lee Memorial's substandard care of their baby.
Normil v. Go	N/A	\$28,450,000	Our client's son was misdiagnosed while under the care of Dr. Go, resulting in the 10-month-old suffering a stroke and subsequent severe brain damage.

Our Attorneys Can Help

If our FAQs didn't answer your medical malpractice lawsuit questions, please contact us today by filling out our [free, no-obligation form](#). Our attorneys have years of experience fighting for victims of medical malpractice, and they may be able to help if you or someone you love was hurt because a medical error.

