

**Medical Malpractice Complaint Drafting Guide**

Here is a list of all the things you will need to include in your Illinois medical malpractice complaint.

- Jurisdiction.
- Venue.
- Statute(s).
- Factual circumstances of the malpractice or, in the alternative, *res ipsa loquitur* requirements requiring:
  - An injury occurring normally only with negligence.
  - The defendant had exclusive control over the plaintiff.
- Date (of act/omission and emergence of injury/damages).
- Employment/Credentials of defendant and if vicarious liability of employer:
  - Negligent person was employee/agent of employer.
  - Employer knew and approved of the negligent person's apparent authority.
  - The plaintiff carefully relied on the employer's presentations.
- Relief including:
  - Pain and suffering (present and future).
  - Disfigurement.
  - Lost of earnings (present and future).
  - Medical bills.
  - Loss of normal life.
  - Punitive damages (if applicable).
- Attorney's affidavit pursuant to 735 ILCS 5/2-622.
- Physician's certificate of meritorious basis pursuant to 735 ILCS 5/2-622.
- If complying with discovery/tolling provisions, specific allegations concerning the discovery date, plaintiff's minority/disabled status, or the nature of defendant's continuous treatment.