

ATTORNEY HELP CENTER: MEDICAL MALPRACTICE

The healthcare industry has exploded over the last thirty years. Combined with an increasing elderly population, thanks to the Baby Boomer generation, the general public's contact with doctors and medicine will only rise. With this proximity, there already has been and surely will be more accidents and, thus, litigation. Medical malpractice lawsuits are a cornerstone for any personal injury lawyer. This Help Center is structured so you know how to take a medical malpractice case from intake to settlement. It has advice, samples, and resources so that you can help any client who has been injured by a doctor or any other party in the healthcare industry.

Our practice is limited to Illinois and its system will be the focus of this Help Center. However, some mention is made to the law and rules of other jurisdictions. Even though much of this is shared between states, it is important to check and see if they differ from Illinois before using them.

This Help Center is not designed for medical malpractice victims. If you have been the victim of medical malpractice, you should visit [here](#). Finally, the information is broken down into the various stages of a typical lawsuit but also contains additional, helpful information.

Setting the Stage for Trial

- [Business and Administrative Steps to take before Trial](#)

Before delving into discovery and zealous advocacy of your client, you must first administratively set up your case so that you are practicing law legally, protecting your client's recovery, and preserving your own right to be paid for your legal services. In this initial period prior to the initiation of your case, you must seek your client's permission for various things, notify parties of your representative capacity, and build a database of records. For more information

about the business and administrative process prior to trial click [here](#) as well as to view the relevant sample documents such as these:

[Medical Malpractice Client Intake Form](#)

[Medical Malpractice Contingency Fee Agreement](#)

[Medical Malpractice HIPAA Form](#)

[Lost Wages Form for Medical Malpractice Case](#)

[Letter of Representation for Medical Malpractice Case](#)

[Medical Malpractice Records Collection List](#)

- [Legal Steps to take to Initiate a Trial](#)

All your investigation and research prior to trial should build towards a medical malpractice lawsuit and the form that initially takes is a complaint. This is the document served on the defendant(s) that codifies your recognizable, legal argument. It identifies all relevant parties, medical errors claimed, statute(s), jurisdiction, and relief requested. This document is so crucial because it shapes the course of discovery, courtroom dynamics at trial, and the nature of relief that is possible. After filing and serving a complaint, the defendant(s) will normally file an answer that either admits/denies/pleads a lack of information to each allegation. This back and forth that begins every medical malpractice case is critically important. You can learn more about this stage of the case [here](#) and find relevant documents like the following:

[Complaint 1-Medical Malpractice Suit against Doctor, Hospital for Negligent Care and Wrongful Death](#)

[Complaint 2-Med Mal Suit for Negligent Care and Injuries with Doctor's Affidavit](#)

[Complaint 3-Medical Malpractice Suit for Healing Arts and Respondeat Superior](#)

[Meritorious Basis Affidavit 1](#)

[Meritorious Basis Affidavit 2](#)

[Answer 1-affirmative defenses and counterclaims for declarative relief in medical malpractice suit](#)

[Answer 2-verified affirmative defenses and counterclaims in medical malpractice suit](#)

[Answer 3-doctor's answer to plaintiff's complaint in medical malpractice suit](#)

Winning Your Case

- [Discovery: Investigating your Case](#)

Not until the case has officially kicked off can either side in a medical malpractice case legally compel the other to hand over documents or information related to the specific incident. This is known as discovery. The process of discovery contains specific tools and rules that allow plaintiffs to cut through the thick and complicated medical profession and obtain answers from their providers about the malpractice in question. Some of these tools include interrogatories, depositions, requests to admit, and requests to produce but these are not unlimited in their number or form. Click [here](#) to learn more about discovery and to view sample discovery forms for medical malpractice cases like the following:

[Interrogatories 1-model 213 interrogatories to plaintiff in medical malpractice suit](#)

[Interrogatories 2-model 213 interrogatories to defendant doctor in medical malpractice](#)

[Interrogatories 3-model 213 interrogatories to defendant hospital in medical malpractice suit](#)

[Interrogatories 4-plaintiff's answers to defendant's interrogatories in medical malpractice suit](#)

[Interrogatories 5-plaintiff's answers to 213f3 interrogatories in medical malpractice suit](#)

[Interrogatories 6-sample interrogatories to defendants from plaintiff in medical malpractice suit](#)

- [Motions: The Art of Shaping your Case](#)

If only doctors and hospitals gave you everything you needed and acted appropriately at trial during your medical malpractice case, then you would not need to ask the judge for anything but, normally, you have to because they are not cooperative. To formally ask the court to rule on a controversy or to let you have something, you must write, file, and argue a motion or motion in limine. Common motions relate to the exclusion of evidence, presence/absence of witnesses, or a request to summarily end the case. To read more about the rules of motions and motions in limine in Illinois medical malpractice cases click [here](#). There you can also view sample motions from medical malpractice cases like the following:

[Medical Malpractice Motion 1- defendant's motion to bar damages evidence](#)

[Medical Malpractice Motion 2-plaintiff's response to Medical Malpractice Motion 1](#)

[Medical Malpractice Motion 3-Plaintiff's motion to compel](#)

[Medical Malpractice Motion 4-Plaintiff's motion to deem unanswered requests to admit admitted](#)

[Medical Malpractice Motion 5-Plaintiff's Motion to Bar Evidence of Expert Witness' Malpractice Lawsuits](#)

[Medical Malpractice Motion 6-Plaintiff's Motion to Bar Reference to Expert Witness' past](#)

[Medical Malpractice Motion 7-defendant's 619 motion to dismiss](#)

[Medical Malpractice Motion 8-plaintiff's answer to defendant's 619 motion](#)

[Medical Malpractice Motion 9-defendant's 615 motion to dismiss](#)

[Medical Malpractice Motion 10-plaintiff's response to defendant's 615 motion to dismiss](#)

[Medical Malpractice Motion 11-plaintiff's motion for partial summary judgment](#)

[Medical Malpractice Motion 12-plaintiff's motion for directed verdict](#)

[Medical Malpractice Motion 13-motion to consolidate](#)

[Medical Malpractice Motion 14-motion for leave to amend](#)

[Medical Malpractice Motion 15-motion for attorney's fees](#)

[Medical Malpractice Motion 16-motion to bar expert testimony](#)

[Medical Malpractice Motion 17-motion to vacate](#)

[Medical Malpractice Motion 18-Motion for New Trial](#)

[Medical Malpractice Motion 19-defendant's motion for remittitur of judgment](#)

[Medical Malpractice Motion 20-plaintiff's opposition to remittitur of judgment](#)

[Medical Malpractice Motion 21-motion to strike](#)

[Medical Malpractice Motion 22-Motion to reconsider](#)

- [Argument: Crafting your Case](#)

Eventually, your case will find its way into the courtroom. There you must fashion a story to illustrate the defendant's wrongs and the plaintiff's relief using a variety of tools including direct and cross-examinations, openings and closing. You must cogently organize your points and strategically draw them out in these processes so that the jury can follow you and believe you. To learn more about the internal dynamics of cases in the courtroom click [here](#). There you will also find sample forms from medical malpractices cases such as the following:

[Opening Statement in Medical Malpractice Case](#)

[Closing Argument in Medical Malpractice Case](#)

[Examination 1-direct and cross of doctor in medical malpractice suit](#)

[Examination 2-direct and cross of expert witness in medical malpractice suit](#)

[Examination 3-direct of attending nurse in medical malpractice suit](#)

[Examination 4-direct and cross of orthopedic surgeon in medical malpractice suit](#)

[Instructions 1-sample plaintiff's version in medical malpractice suit](#)

[Instructions 2-sample from medical malpractice suit](#)

[Instructions 3-model for medical malpractice suit](#)

Further Resources

Here are further resources that you might find helpful in preparing your medical malpractice case.

[Illinois Medical Malpractice Litigation Statistics](#)

[Medical Malpractice Complaint Drafting Guide](#)

[Medical Malpractice Deposition Guide](#)

[Calculating Your Medical Malpractice Case](#)

[Tips For Opening and Closing Statements In Medical Malpractice Cases](#)