

NY IL | NEW YORK INJURY LAW

NEW SERIES UNDERSTANDING MEDICAL MALPRACTICE



Attorney Keith Clarke draws on his experience handling medical malpractice claims to explain how these complex cases are investigated and evaluated.

Medical Malpractice: More Than the Obvious

UNDERSTANDING MEDICAL MALPRACTICE

When most people think of medical malpractice, they picture a surgeon operating on the wrong body part or leaving an instrument behind. While those cases do happen, they represent only a small part of medical malpractice law.

Malpractice can also involve delayed cancer diagnoses, missed infections, birth injuries, nursing home negligence, and many other situations where a healthcare provider failed to meet the accepted standard of care. And it isn't limited to doctors. Nurses, physician assistants, nurse practitioners, and other medical professionals may also be responsible when preventable mistakes occur.

Most people who contact me already suspect something went wrong. Others simply know they had a poor medical outcome and wonder if it could have been

prevented. Put simply, they're asking the same question I am: Did a healthcare provider make a preventable mistake?

Answering that question isn't about guessing—it requires an exhaustive review of the medical records, often hundreds or even thousands of pages gathered from multiple providers.

Those records are essential, but they don't always tell the complete story. They were created by the same people whose care may be under review, so every page must be examined carefully and critically.

In next month's installment, I'll explain how medical malpractice attorneys review those records to determine whether the accepted standard of care was met—and why what's written in the chart isn't always the whole story.

LEGAL BULLETIN

Supporting Albany Law and the Legal Community COMMUNITY NEWS



On Monday, June 15, New York Injury Law attorneys John DeGasperi, Keith Clarke, and Jason Null participated in the annual Albany Law School and Albany County Bar Association Golf Outing at Schuyler Meadows Club.

New York Injury Law was proud to sponsor a hole at the event, which brings together alumni, attorneys, judges, and members of the legal community for a day of networking, camaraderie, and support for Albany Law.

As Albany Law graduates themselves, John and Keith always appreciate the opportunity to reconnect with classmates and colleagues while supporting the institution that helped launch their legal careers.

Events like these help strengthen professional relationships, encourage the exchange of ideas and experiences, and reinforce the firm's ongoing commitment to the legal profession and the communities it serves.



New York Injury Law Recovered \$502,500 Against the Federal Government

REAL CASES, REAL WINS

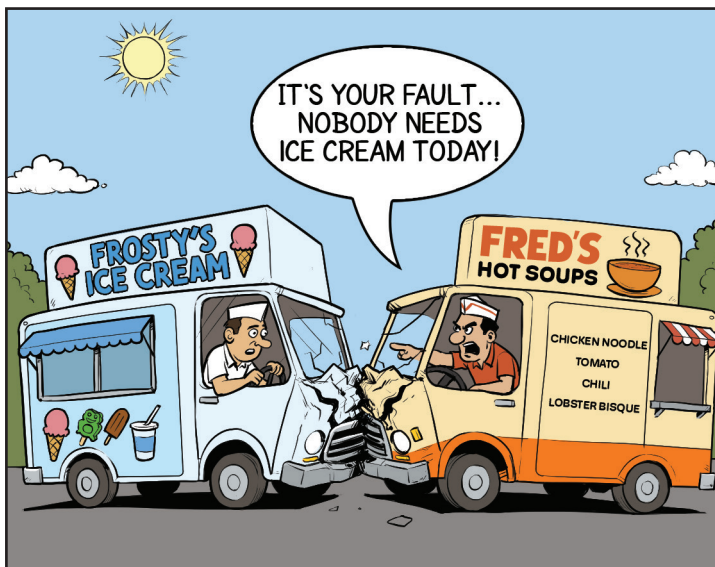
Our client was riding his motorcycle when a U.S. Postal Service delivery vehicle made a sudden left turn without signaling. To avoid a collision, he was forced to lay the bike down, and suffered a traumatic brain injury that changed his life. Years of headaches, cognitive difficulties, and lost earning capacity followed.

After hard-fought federal litigation in the Southern District of New York, including an interlocutory appeal to the Second Circuit, six expert depositions, and preparation for a bench trial, we secured a \$502,500 recovery for our client under the Federal Tort Claims Act. That federal law allows individuals to seek compensation when they are injured by the negligence of federal employees acting within the scope of their duties, but the process is far different from an ordinary personal injury case.

Suing the United States is not like an ordinary car crash case. There is no jury, strict procedural requirements and filing deadlines apply, and an army of experienced Assistant U.S. Attorneys vigorously defend these claims.

This result reflects the persistence, preparation, and advocacy required to hold the federal government accountable when one of its employees causes serious injuries.

WINNING SMILES



Questions & Answers: Understanding Medical Malpractice

LEGAL NEWS

Medical malpractice is one of the most misunderstood areas of personal injury law. In a recent video, attorney John A. DeGasperis sat down to answer some of the questions he hears most often about medical malpractice cases.

Why are medical malpractice cases different from other personal injury cases?

Medical malpractice cases are typically more complicated, more expensive, and more time-consuming than the average personal injury claim. They often require extensive medical record review, expert testimony, and proof that a healthcare provider failed to meet the accepted standard of care, which means another qualified provider would have acted differently under the same circumstances. These are highly technical cases that require careful investigation from the beginning.

Are you selective about the medical malpractice cases you accept?

Absolutely. These cases involve not only significant time and resources but also a healthcare provider's professional reputation. We carefully evaluate every claim to determine whether the evidence supports negligence and whether pursuing the case can help our client while also promoting accountability and safer patient care.

Does every bad experience with a healthcare provider mean you have a malpractice case?

No. Medicine is a complex field, and even when doctors and healthcare providers do everything appropriately, treatments don't always produce the desired outcome. A poor result alone doesn't establish malpractice. The key question is whether the provider departed from accepted medical standards, causing harm that could have been prevented.

Watch the video to hear John's comments about these and other medical malpractice issues.

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