

MEDICAL MALPRACTICE IN NEW YORK; FACTS AND TRENDS

FACT: Patients sue doctors and hospitals. They're unhappy with the outcome of a procedure; they're upset because a doctor misdiagnosed their condition and now they have a permanent injury or disability. That's a fact. However, the facts and trends show an entirely different story.

Fact: Most victims of medical malpractice in NY don't even know they've been a victim of improper medical care because nobody tells them.

Trend: Many victims are never compensated because they don't realize they've been injured as a result of someone's wrongdoing.

Fact: The majority of meritorious cases that are brought are settled at or during trial.

Trend: Of those cases that are disputed and go to trial, doctors and hospitals win the majority of them, sometimes between 66%-80% of the time. Those are impressive statistics for the defense. The reasoning why doctors and hospitals win many cases has many components:

- a. Juries like doctors;
- b. Juries rely on doctors, nurses and hospitals for their own care and are loathe to blame a medical professional unless the treatment was glaring and obvious;
- c. Juries have been conditioned and brain-washed by the insurance companies to believe that all lawsuits are frivolous, regardless of what happened or how or who should be taking responsibility for their own actions;
- d. Jurors do not want to spend someone else's money to give to an injured victim, believing that by giving away money, their own insurance rates will increase.

Trend: Many people believe that just because they did not get an optimal result or perfect outcome that they're entitled to bring a lawsuit for some type of compensation.

Fact: Just because a patient believes something was done wrong, or that their outcome was not perfect does not mean that there's a basis for a valid case. Each case must be reviewed by a medical expert who confirms (1) that there was wrongdoing; (2) that the wrongdoing caused harm; and (3) that the harm is significant and/or permanent. Without that confirmation, it is impossible to bring a lawsuit in New York.

Trend: Injured victims wait until their families and friends have encouraged them to speak to a lawyer about a lawsuit. Sometimes, they wait too long.

Fact: There are very strict time limits here in NY to bring a lawsuit against a private doctor or hospital. If your treatment happened in a municipal (City-owned) or a State-owned hospital, you have a very limited time to file a notice of claim, and then a very limited time to file your lawsuit. If you wait longer than the required time, you will likely not be able to bring a lawsuit for any injuries you believe were caused by a doctor or hospital. That's why it's so important to speak to an experienced medical malpractice attorney immediately. You don't want to have an attorney tell you that you would have had a valid case, if only you had come in earlier.

To learn more about how medical malpractice cases work in New York I encourage you to explore my website <http://www.oginski-law.com>. If you have legal questions, I urge you to pick up the phone and call me at 516-487-8207 or by email at lawmed10@yahoo.com since I can answer your legal questions.