

MEDICAL MALPRACTICE CASES

Medical malpractice is a generic term for conduct by a doctor, nurse or hospital which is below the standard of care. If a physician fails to treat a patient in accord with the standard of care as defined by law, that is professional negligence or medical malpractice. In order to recover damages, however, it is not sufficient for the injured patient to simply prove that there was a deviation from the standard of care or negligence. In order to establish a valid claim for medical malpractice, the patient, who has the burden of proof, must also prove that the medical malpractice was a substantial factor in causing injury to the patient. Most patients are suffering from some condition at the time that they come under the care of the physician and it is only injuries that are caused by professional negligence and not the natural sequela of the patient's original medical condition that is compensable. The injured patient must also prove the nature and extent of the harm that was done to the patient as a result of the negligent care. In addition to the physical injury, and resulting medical expense, proof of damages also involves expert testimony regarding the need for future medical care and treatment and/or, the manner in which the injury in question affects the injured patient's ability to earn a living in the past and in the future.

Medical negligence cases are complicated. An experienced lawyer is needed to determine whether or not medical negligence can be proved. Medical negligence cases are also expensive to prosecute.

If a patient has a bad result following treatment this does not mean that the harm was caused by malpractice. Sometimes some patients have bad results following the best of care. An experienced attorney can help determine if a bad result is due to negligence rather than unfortunate circumstances

Most medical malpractice cases that are tried in the State of Wisconsin result in verdicts in favor of the physician. (See attached link for statistics.) It is only those cases that are properly prepared and presented with the use of skillful and persuasive experts that result in jury verdicts in favor of the injured patient.

- Contact us about your medical malpractice case
- Free initial consultation for injury claims
- Contact us to make an appointment
- 800/381-0963 or gegan@eganandrichgels.com