



ACADEMIC HEALTH PROFESSIONALS INSURANCE ASSOCIATION A RECIPROCAL INSURER

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MEDICAL MALPRACTICE 101

What do I do if I get sued?

- **Attendings:** Notify your professional liability carrier, ACADEMIC HEALTH PROFESSIONALS, who will assign an attorney to represent you.
- **Residents:** Contact your residency program director, who will report the claim to THE UNIVERSITY HOSPITAL, depending on where the care was rendered. You will be represented by an attorney for the hospital, pursuant to your residency contract.

Malpractice Lawsuit Basics: Who, What, When and Why?

- Occurrence of a bad outcome/alleged 'medical error.'
- Allegedly injured party contacts a lawyer who files a **lawsuit**.
- **Service** of the **Summons** and **Complaint** (by mail or personal service). The Complaint sets forth, in general terms, the allegations against you and the other defendants.
- The lawyer will file an **Answer**. The Answer is your initial response to the allegations set forth in the Complaint.
- **Discovery** – your lawyer will gather and analyze records, retain an **expert** who will evaluate the care you provided. Your help in providing data, facts, opinions and clarifications is extremely important.
- **Experts** – your attorney will retain an expert who will render an opinion regarding whether your care deviated from the standard of care. They might also retain an expert on proximate cause and/or damages.
- **Deposition** – Each party is allowed to question the other parties to the lawsuit, under oath, about their participation in the care of the patient or other information relating to the facts surrounding the lawsuit. All parties to the case (defendants, plaintiff) as well as non-parties with relevant information will give sworn testimony when requested. All Academic insureds are required to watch the **DEPOSITION PREPARATION VIDEO** to assist in preparing for testimony.
- **Subpoena** – you are required to appear in person to give a deposition or give testimony; or produce specified documents. Contact Academic, and a lawyer will be assigned to assist you with complying with the subpoena.
- **Motion practice** – when appropriate, your lawyer will file written submissions (**Motions**) asking the judge to preserve your rights or even dismiss the case.
- **Trial** – just like on television, each side will present its evidence to a **jury**.
- **Appeal** – both plaintiff and defendant have the right to appeal the verdict to a higher court and ask for reconsideration due to errors at trial.