

MEDICAL MALPRACTICE

Medical Malpractice occurs when a doctor or other medical provider (including hospitals) makes an error that is unreasonable under the standard of practice, which injures the patient.

Is there a time limit for filing claims?

Yes, it is called the Statute of Limitations. In Oregon an adult must file within two years of injury. In most cases, a child (under 18 years of age) has five years to file.

What if I don't discover my injury in time?

The Statute of Limitations states that if, through no fault of your own, you do not discover your injury or that your injury resulted from the doctor's negligence, then you must file within two years of the date of discovery.

How do I know if I have a claim?

If you suspect you may have a legitimate claim, but do not know for sure, the best way to find out is with the help of a lawyer experienced in this type of case. The lawyer will, with your permission, gather all your pertinent medical records and have qualified doctors review them to identify errors that may have been made by your doctor or hospital.

How can I afford a lawyer?

We take medical malpractice cases on a "contingency" basis. Our fee will only be a percentage of any recovery. If no recovery is made, there is no attorney fee.

If I have a case, will it be decided by a jury trial?

If you choose to pursue your case, your lawyer will file a complaint with the court and ask for a jury trial. The majority of meritorious cases are settled before trial. A few, however, are decided by a jury. Some are decided by a panel of three arbitrators, who are usually experienced medical negligence lawyers.

For which type of things can I recover damages?

There are several things for which you may be compensated. Among them are past and future pain and suffering, future loss of earning capacity caused by your disability, and future lifetime cost of medical care and assistance.

What will happen to the doctor if I win?

If you win the case, the doctor's (or hospital's) insurance company must pay the damages. You seek compensation for your injuries, not punishment or discipline against the doctor.