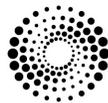


AMERICAN LAW
OF
MEDICAL MALPRACTICE 3D

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PREFACE

In 1964, while I was still a student at the New York Law School, I also began work at a personal injury law firm. Shortly thereafter I began to work on a medical malpractice case which I was asked to try several years later after becoming admitted to the bar.

I represented a child who had sustained a brain injury as a result of a traumatic forceps delivery. The theory of liability was that the child was stuck and that forceps were misapplied and then excessive force was used to extract the child. As a result, she received an injury to the right side of her brain, producing paralysis involving the left side of her body.

The trial went well for my young client. I was able to achieve for her a substantial recovery. At the time, I was not only pleased with the successful result but also impressed with the volume of technical medical information that I was able to learn and use in my representation of this child.

In retrospect, looking back almost 40 years, it occurs to me that my presentation was far less sophisticated than would exist today. Further, the complexity of both the legal and medical issues in so many cases that I have since been involved with now make it appear to me that my first medical malpractice trial involved issues that were comparatively simple and straightforward.

Since that first medical malpractice trial, I have had the responsibility and privilege to represent more than a thousand injured victims and their families in which the allegation of each case was that a foreseeable and avoidable medical injury or death occurred. In each case, it was my responsibility and the responsibility of the legal team that worked with me to understand the interrelated medical-legal issues so that we could meet our legal and ethical obligations to our clients.

For the past six years in addition to my trial work, I have also been teaching a medical malpractice course at my alma mater, The New York Law School. Each year one of the classes includes a visit from a client who had a case involving a personal tragedy. For each of these clients, the health care system has unfortunately failed to protect them

or their loved one from an avoidable tragedy. In each instance, the medical liability tort system did work for that client to achieve a measure of justice. It is important that students, as well as those involved in the medical liability system, appreciate that the issues are not just theoretical but affect real people.

A great source of satisfaction is in the achievement of financial recoveries which have so often worked to avoid financial tragedy. My partners and I have continued to represent many clients, without charge, years after the recovery in order to help ensure that the funds accomplish the financial goal of the suit. Most gratifying as been our continued relationship with the families of handicapped children. the extraordinary devotion of so many parents to their children has imposed on them an enormous burden in dealing with their children's disabilities. Successful results have not changed the parental devotion, but have alleviated many physical, financial, and emotional burdens. Home renovations, home health aides, therapies, tutoring, and vans are just a few of the necessities realized as a result of these hard-won cases. The idea that these cases do not work to the advantage of the victim is a myth to which I can attest and document from personal experience.

I would like to express my appreciation to my partners and associates whose hard work and dedication has helped me to met our responsibilities to our clients and achieve results which have been so gratifying to us for so many years.

I would like to dedicate this work to our clients who, through no fault of their own, suffered grievous harm and placed their trust in me and my colleagues.

1964 was the year that my wife Laura and I were married. During the 40 years from that time until today, she has been supportive and loving, and has kept me focused on the things that are important in life. This work is also dedicated to her.

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