A Few Basics About Medical Malpractice Claims:

A relationship between an individual and any professional is somewhat special, because the individual has gone to that professional seeking help, believing that the professional has superior knowledge and experience which can remedy the situation. This is particularly true in the case of a relationship between an individual and that individual's health care provider. Sometimes, however, the results are not good and, indeed, the experience is more serious injury or even death.

It is a matter of human experience that not every poor medical result is a basis for a lawsuit. However, it is also an unfortunate part of human experience that, not only do medical errors occur, but they occur with alarming frequency and disastrous consequences.

It is the task of an experienced medical malpractice attorney to preliminarily screen prospective cases, first personally, and then, if deemed applicable, with one or more health care practitioners in those specialties that are the subject of the potential malpractice. In Pennsylvania, no lawsuit against a health care provider can find its way to Court unless an appropriate expert witness has provided a basis for a lawyer to sign a certification to the effect that the lawyer has a reasonable basis to believe that a meritorious case exists against the health care provider being sued.

Medical malpractice cases are time-consuming, expensive and emotionally intense, both for the patient and/or his or her family and the physician. As such, each case must be painstakingly reviewed and thought out, and the responsible lawyer must be prepared to do a great deal of "hand-holding" in order to assist the client in this time of need.

Mark Scoblionko has been evaluating and trying medical malpractice cases since the early 1980's, initially representing health care providers and, more recently, representing claimants and their families. Through the years, he has developed a network of reviewing physicians, who are able to provide prompt, candid assessments so that meritorious cases can quickly be differentiated from those that are not justifiably worthy of pursuit. Additionally, and equally significantly, because of his experience doing defense work, he has a special ability to bring a balanced approach to the evaluation and presentation of a medical malpractice case. He knows and anticipates defense positions, strategies, concerns and evaluations because he, himself, did it for many years.

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1. ABOUT MEDICAL NEGLIGENCE AND INFORMED CONSENT:

As a general proposition, medical malpractice claims can be based upon negligence or lack of informed consent, or a combination. For a claimant to recover on a theory of medical negligence, it is necessary to prove that a physician was careless or deviated from acceptable standards of the profession. For a claimant to recover on a theory of lack of informed consent, it is necessary to prove that the physician failed to obtain informed consent from a patient before performing a surgical or other invasive procedure.

2. ABOUT THE STATUTE OF LIMITATIONS:

As a general proposition medical malpractice actions must be brought within two (2) years of the alleged medical malpractice. Under certain circumstances, where the patient has no reason to believe that malpractice has occurred, or he has been lulled into a false sense of security by the physician, the time for bringing a malpractice action may be extended under what is commonly referred to as the discovery rule.

Each prospective claim must be thoroughly reviewed between client and attorney. If you would like to discuss a potential medical malpractice claim, please call Mark H. Scoblionko for an appointment at 610-967-3031.

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