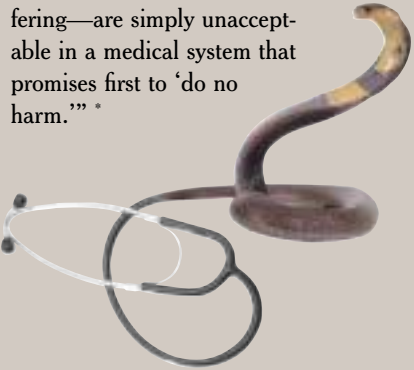


MEDICAL ERRORS???

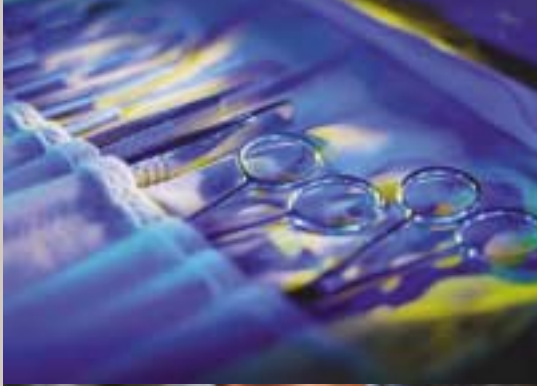
The Institute of Medicine recently released a report estimating that as many as 98,000 Americans die each year from medical mistakes. “These stunningly high rates of medical errors—resulting in deaths, permanent disability and unnecessary suffering—are simply unacceptable in a medical system that promises first to ‘do no harm.’” *



A March 2002 report, from the Institute of Medicine states, “minorities are more likely to receive lower-quality health care, regardless of income and insurance coverage.” The committee suggests that people with heart disease, cancer and HIV infection are treated differently. This treatment, “partly contributes to higher death rates for minorities.”

Another recent report from the National Academies Institute states that the nation’s health care industry has failed “in its ability to provide safe, high-quality care consistently to all Americans. Reorganization and reform are urgently needed to fix what is now a disjointed and inefficient system.”

* William Richardson, CEO of the W.K. Kellogg Foundation



A GUIDE FOR MEDICAL MALPRACTICE VICTIMS

PHILLIPS & MITCHELL
ATTORNEYS AT LAW

HIGHEST RATED TRIAL ATTORNEYS

If you have any questions or need further assistance please contact us at

Phillips & Mitchell, LLC
1580 LL&E Tower
909 Poydras Street
New Orleans, LA 70112
504-588-1580
1-866-321-1580
fax 504-588-1589

www.phillipsmitchell.com
info@phillipsmitchell.com

PHILLIPS & MITCHELL
ATTORNEYS AT LAW



Francis C. Evans, M.D., FACS

Dr. Evans serves as a medical consultant for the Phillips & Mitchell team. He is a board certified surgeon who was trained at Harvard Medical School, bringing more than thirty years of medical experience to Phillips & Mitchell. Some of the many accomplishments of Dr. Evans include:

Cum Laude, Princeton University, A.B. 1959
Harvard Medical School, 1963
Chief Resident, General Surgery, Hartford Hospital in Connecticut
Board Certified in General Surgery 1971
Licensed to practice medicine in five states
Major, U.S. Army Medical corps, 27th Surgical Hospital, Vietnam
31 years in private practice
Past president of the American College of Surgeons, New Hampshire Chapter
Chairman of Medical Staff, Georgia Organized Hospital
Chief of Surgery, 1978-1998, New London Hospital
Recipient, American Medical Association Physicians' Recognition Award
Author of medical literature published in the American Journal of Surgery

Dr. Evans will help Mr. Phillips and Mr. Mitchell evaluate potential medical malpractice claims and will assist in the handling of medical evidence for trials. He will also be available for personal consultation in appropriate cases.

Q&A: FREQUENTLY ASKED QUESTIONS ABOUT MEDICAL MALPRACTICE

- Q.** Does every bad outcome mean that a doctor or hospital has committed medical malpractice?
- A.** No. Frequently, a bad outcome can occur as a known risk or complication of a procedure or surgery. The law does not automatically assume that a bad result was caused by malpractice.
- Q.** How do you know the difference between a bad outcome caused by malpractice and a bad outcome caused by complication?
- A.** The only way to know the difference is to have a highly qualified doctor review your medical records to determine whether a medical error has occurred.
- Q.** Why can't I just file a lawsuit against the doctor or hospital if I think a medical mistake was made?
- A.** In most cases, Louisiana law requires you to request the formation of a medical review panel to evaluate the case before the lawsuit can be filed.
- Q.** Is there a time limitation for requesting the formation of a medical review panel to review a complaint of medical malpractice?
- A.** Yes. You must make the request within one year of the date of the alleged malpractice.
- Q.** What if I didn't know about the malpractice for more than a year after it was committed? Can I still request the formation of a medical review panel?
- A.** Yes, in some instances, the law allows a claim after the one-year deadline if the claimant neither knew nor should have known of the malpractice. However, in no circumstance can you bring a claim more than three years after the date of the alleged malpractice.
- Q.** How do I find a qualified expert physician to testify for me in my case?
- A.** Highly qualified expert physicians are hard to come by. That's why you need the help of an attorney who handles medical malpractice cases almost exclusively. Such an attorney will have the resources to hire the best experts for your case. Phillips & Mitchell has a board certified surgeon trained at Harvard Medical School who can discuss your case with you.
- Q.** How much money can I get back if I win the case?
- A.** Louisiana has a cap on medical malpractice awards of \$500,000. This includes a person's lost wages and damages for pain and suffering.
- Q.** Are medical expenses included in this cap?
- A.** No. Past and future medical expenses are recoverable in addition to the cap. However, future medical expenses do not have to be paid in a lump sum. They can be paid over time as the expenses occur.
- Q.** Can any lawyer effectively handle a medical malpractice case?
- A.** No. The Louisiana law on medical malpractice is complex and many lawyers do not have the expertise to handle such a case. It can also be very expensive to pay medical expert fees. You need an attorney who has both the experience and the money to successfully represent you.
- Q.** Do the attorneys who handle medical malpractice cases work on a contingency fee basis? If so, what is the usual fee?
- A.** Most experienced medical malpractice attorneys who have the resources needed to successfully represent you will charge a contingency fee of 40% of the recovery. If you agree to a contingency fee, you do not owe your attorney any money—including medical expert fees—if you do not win the case.



PHILLIPS & MITCHELL, LLC

In June of 2000, partners Darryl M. Phillips and Jeffrey A. Mitchell formed Phillips & Mitchell, L.L.C. Based out of New Orleans, this national law firm handles all forms of personal injury claims, including: automobile-vehicle accidents, general negligence, premises liability, medical malpractice, pharmaceuticals, maritime/admiralty and products liability. The attorneys have more than 12 years of experience in handling personal injury lawsuits. They have received the highest achievable rating for an attorney from Martindale-Hubbell. Phillips & Mitchell is also the only plaintiff's personal injury firm in New Orleans to receive certification by the International Society of Primerus law firms.

Since June of 2000, Phillips and Mitchell have collected more than ten million dollars in settlements and judgments for their clients.