

“Do I need a lawyer for my medical malpractice case in Chicago?”

Chicago, IL medical malpractice attorney explains benefits of hiring a lawyer

Injuries due to [medical malpractice](#) have become increasingly common throughout the United States. Nationwide, medical errors are the third leading cause of death in the United States, according to a study conducted by researchers at [Johns Hopkins Medicine](#) and reported on by numerous news outlets, including [National Public Radio](#).

Specifically, Johns Hopkins researchers estimate that more than 250,000 people die each year due to medical errors. Such figures place medical errors third among the leading causes of death behind heart disease and cancer, which each claim more than 600,000 lives each year, NPR reported.

If you or a loved one is a victim of medical malpractice in Chicago or elsewhere in Illinois, you might think all you have to do is contact an insurance company or the hospital itself and they will take care of everything. Unfortunately, that's not often the case. That's why it's important to understand why you need a Chicago attorney if you're a victim of medical malpractice.

What is medical malpractice?

Medical malpractice is a legal term used to describe injuries caused by a medical professional's negligent or reckless behavior. In many cases, medical malpractice injuries occur due to errors made by medical professionals, including:

- Surgeons
- Doctors
- Nurses
- Anesthesiologists
- Radiologists
- Medical technicians
- Pharmacists

Not every negative patient outcome is a result of malpractice. Medical malpractice refers specifically to cases in which a medical professional's failure to meet a duty of care to the patient leads to injury or illness.

In certain circumstances, mistakes made by medical professionals can result in death. In such situations, your family may have grounds to file a wrongful death lawsuit seeking damages (financial compensation) for the death of your loved one.

What are common types of medical malpractice cases?

There are many different types of medical malpractice cases. Most are due to medical errors or deviations from the recognized standard of care. Such medical errors can cover a wide range, including:

- **Misdiagnosis** – Failing to diagnose someone’s medical condition can result in serious health problems. This is especially true for cancer misdiagnosis. Each year, an estimated 12 million people (roughly 1 out of 20 who seek medical treatment) are misdiagnosed, according to [CBS News](#), which cited a study by the journal, BMJ Quality & Safety.
- **Medication errors** – People prescribed the wrong medications or given the wrong drugs by medical professionals often sustain serious injuries. Each year, medication errors result in approximately 1.3 million injuries and more than one death every day nationwide, according to statistics compiled by the [U.S. Food & Drug Administration](#).
- **Surgical errors** – Mistakes made by surgeons often result in serious injuries or even death. An estimated 4,000 surgical errors occur each year nationwide, according to researchers at Johns Hopkins University School of Medicine as reported by [Webmd.com](#). Many surgical errors are due to miscommunication. Others are classified as “never events” – acts of negligence so egregious that they clearly never should occur. Never events include:
 - Operating on the wrong patient
 - Operating on the wrong side of the body
 - Leaving a medical instrument in a patient’s body
- **Emergency room errors** – Mistakes made by medical professionals (surgeons, doctors, nurses, EMTs) in hospital emergency rooms can have catastrophic consequences. Each year, an estimated 5 to 10 percent of emergency room visits result in some form of medical error. That’s roughly 5 to 10 million emergency room errors every year, according to [CBS News](#). The most common emergency room errors include misdiagnosis and medication errors.
- **Delay of treatment** – People sometimes wait hours, days or even months to be treated for serious medical conditions, often because of misdiagnosis or simply because medical professionals don’t take the patient’s symptoms seriously. Whatever the reason, waiting to treat people with serious medical conditions can have serious or fatal consequences.
- **Hospital infections** – Many people who seek medical care in hospitals end up becoming sicker due to hospital infections. In particular, drug-resistant infections (MRSA, CRE and drug-resistant forms of malaria and tuberculosis) have become increasingly common – and very dangerous – in some hospitals. An estimated 2 million people each year contract drug-resistant infections, which result in 23,000 deaths annually nationwide, according to the [Centers for Disease Control and Prevention](#). Causes of hospital infections often involve poor sanitary conditions, including:
 - Unsanitary medical devices
 - Medical professionals failing to properly disinfect their hands
 - Prescribing the wrong antibiotics
 - Failure to change a patient’s bedding regularly
 - Failure to properly dispose of infected medical devices

How common are medical malpractice cases in Illinois?

Statistics on the number of medical errors or other similar problems in Illinois might not tell the complete story. That's because a recent study found that private health care accreditors often miss problems that plague hospitals, which are later discovered by state health inspectors, according to a recent study conducted by the Centers for Medicare and Medicaid Services reported on by [NPR](#).

However, statistics are available concerning how much money was paid to people for medical malpractice claims in Illinois. According to a nationwide study conducted by [Diedrich Healthcare](#), medical malpractice claimants in Illinois received \$201,849,500 in 2014, an increase of 16.6 percent compared to 2013. Such figures work out to \$15.67 per person in Illinois in 2014, the study noted.

What makes Illinois medical malpractice cases unique?

Every state has its own unique medical malpractice laws, including Illinois. In Illinois, specific laws exist which could affect the outcome of your claim or what approach should be taken in order to produce a successful outcome. Such laws include:

- **Expert testimony “certificate of merit”** – In order to file a medical malpractice claim, Illinois requires the plaintiff (the injured person filing a claim) to provide a report from a medical expert that the medical malpractice claim has merit. This is required within 90 days of filing the lawsuit. The report must demonstrate that the medical expert has the qualifications to comment on the case. The expert must have at least 6 years of experience in the relevant field.
- **Collateral source rule** – Illinois' collateral source law prevents damages (financial compensation) from being reduced for the plaintiff, even if the injury victim has already received financial compensation from a third party. This often applies to health insurance paying part of the medical bills. A jury would not be able to hear any evidence of the health insurance, and the plaintiff would be able to submit the full value of the medical bills into evidence.

“How long do I have to file a medical malpractice case in Illinois?”

You only have a limited amount of time to take legal action in Illinois for medical malpractice cases. In most cases, you only have 2 years from the date you knew or should have known of your injury to file a medical malpractice lawsuit in Illinois; however there are many exceptions and determining the statute of limitations requires legal research. When you are ready to discuss your case, you should be able to provide exact dates of important milestones, including:

- The exact date you believe the medical malpractice occurred
- The date when your injury occurred
- The date when you discovered the injury
- The date when treatment of your injury concluded

Such dates might seem straightforward. But legal battles can often occur between injury victims and medical professional's insurance company over exactly when the deadline started or finished. That's why it's critical that you consult with an attorney as soon as possible.

“How can a Chicago medical malpractice lawyer can help me with my case?”

The number one reason why you need an attorney handling your medical malpractice case involves the medical facility and its insurance provider you're going up against to get compensation. In almost every single case, medical professionals and their insurance companies and attorneys will do everything they can to avoid paying you the money you rightfully deserve.

Most medical professionals will likely deny doing anything wrong. That's why it's critical that you have an experienced, Chicago medical malpractice attorney on your side who knows how to hold medical professionals accountable for their actions. Some of the ways an attorney can help you include:

- Aggressively investigating your medical malpractice case. This includes:
 - Reviewing your medical records
 - Having you examined by an independent physician
 - Consulting with medical experts if necessary
- Examining the hospital or medical facility's records, including inspection reports (Do they have a history of similar incidents?)
- Reviewing the medical facility's hiring practices (Did the facility hire experienced, licensed professionals? Or did they try to cut corners?)
- Making sure you receive proper medical care and treatment
- Helping you file any necessary paperwork related to your injury
- Dealing directly with insurance companies on your behalf
- Filing a medical malpractice lawsuit on your behalf if necessary
- Filing a wrongful death lawsuit on behalf of your family if necessary
- Representing you in court if necessary
- Appealing your court case if necessary

For more information

Contact [The Deratany Firm](#), a highly regarded Chicago law firm with extensive experience handling medical malpractice and other serious injury cases. Founding attorney Jay Paul Deratany is the winner of multiple significant recoveries in medical malpractice cases, including a record \$23 million award in a birth injury case.