

**Keeping Costs Low in a
Medical Malpractice Case**

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Make your money work for you

FIRST RULE:

- Do not be afraid to spend money on the right case.



WORTH SPENDING MONEY ON

Shoulder dystocia resulting in significant injury and death at DOL 7.



NOT WORTH SPENDING AS MUCH ON

Painful burn that did heal after several months.

SECOND RULE:

- Do not be afraid to bail on the wrong case.



For the wide range of cases in the middle:

THIRD RULE:

- Don't spend money you don't have to spend

CASE SELECTION

- Have the client front the cost of the investigation
- Review the records for free at the hospital and only purchase those you actually need
- Have some go-to experts that you use regularly enough to get a few freebies
- If the potential client is a jackass, run away

CASE FILING

- Very rarely, you will be able to negotiate a settlement pre-suit
- Know which hospitals/attorneys will work with you
- Be creative, especially in smaller cases
- Most of the time, you will have to file
- Suck up the filing fees and file in Court of Claims as well

EXPERTS: YOUR SINGLE LARGEST EXPENSE

- Know and trust your experts
 - Ask for referrals
 - Trust them to give you a straight answer up front
 - Have a few you can go to informally
 - Bundle cases when possible
- Find out their fees up front, including trial charges
- Don't be afraid to set a limit on the cost

MORE ABOUT EXPERTS

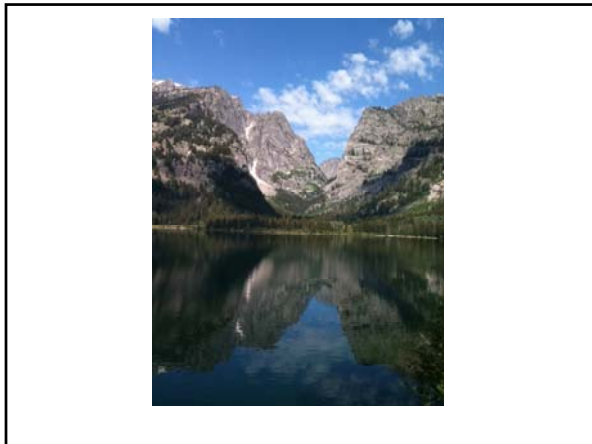
- Go local (in-state) whenever reasonable
- Use experts that can cover both liability and proximate cause
- Don't use two experts when one will suffice
- Remember that you don't need the BEST expert in every case

DISCOVERY

- Find out as much as possible in written discovery
- Ask defense counsel to split the cost of medical records
- Use the same court reporter every time
- Bundle depositions together if possible
- Depose only the people you need to depose.

OUT OF TOWN DEPOSITIONS

- Use videoconferencing and share the cost
- Skype is free
- Consider driving if it is less than 5-6 hours away by car
- If you do drive, rent a car: cheaper than mileage and better for your own car
- If you have to fly, put it on a Friday or a Monday and stay over Saturday night



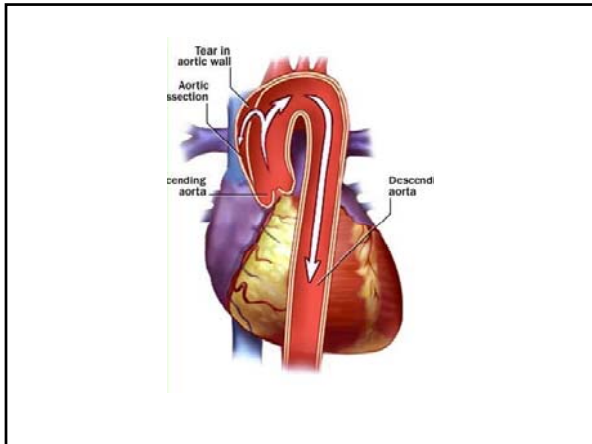
EXHIBITS

- Buy an elmo



EXHIBITS

- For simple video or photographs, do it yourself
- Use video and photographs the client may already have
- Blow ups can be old school
- You can create a lot of simple timelines and graphs yourself



CONCLUSION

- Continually assess every case and determine where it makes sense to save and where it makes sense to spend