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HEALTH CARE PROFESSIONALS

Goldberg Segalla attorneys have a long and successful history of defending physicians, hospitals, nurses, physician's assistants and other health care professionals. In fact, a number of our seasoned litigators have medical backgrounds, including a former registered nurse and a former paramedic. They put that experience to use in the courtroom.

Our trial-tested litigators have defended claims of obstetrical malpractice, improper surgical technique, neurologic misdiagnosis, psychiatric treatment and a variety of hospital in-patient claims. They have tried to verdict scores of medical malpractice cases. These years of experience have helped us develop an extremely valuable database of expert witnesses to call upon and of experts commonly retained by plaintiff's attorneys. This database is essential in developing effective cross-examination of opposing expert witnesses based upon testimony they have given in other cases.

Our attorneys are deeply involved with the constant refinement of their trial technique and knowledge of current medical science with service on the Steering Committee of the Defense Research Institute's Health & Medical Liability Committee, which has over 2000 members nationally. They have spoken at its national annual conference to hundreds of trial attorneys and health industry professionals on the subject of advanced trial technique in the defense of medical malpractice cases.

The cases we have handled have made new law upon which future cases will be decided. We tried the case of *Kambat v. St. Francis Hospital*, the leading case citation in New York's Pattern Jury Instructions on the subject of *res ipsa loquitur*, a legal concept applied when an unintended medical outcome can ostensibly have no explanation other than professional error. Although the first jury unanimously found in favor of our client, on appeal to New York's highest court the case was remanded for a second trial to be conducted with the *res ipsa loquitur* jury instruction, which essentially tells a jury to find for the plaintiff if the medical outcome could only be explained by medical error. On retrial, a second jury also unanimously found for our client. The case was considered significant enough to receive front page treatment in the *New York Law Journal*, New York's leading law publication, and to be addressed in tort law textbooks used in law school curricula. In another case which received national media attention, we defended a hospital at which a nurse had euthanized extremely ill elderly patients and was convicted and imprisoned. The hospital's liability for these actions turned upon its supervision and knowledge of the activities of the nurse, and we directed the in-house investigation which was essential to establishing defenses to the multiple wrongful death claims.

Our lawyers work with the leading medical expert witnesses in the United States while developing defenses for our clients. For example, in a recent case we retained a leading neurologist who had previously been retained by the State of Florida as its independent medical expert in the widely publicized Terri Schiavo 'right to die' life support case. The central issue in our case, in which we represented a major medical center, turned upon this expert's testimony and represented a potential multi-million dollar swing in the jury verdict, depending upon whether the patient could receive an award for conscious pain and suffering. The use of this expert was critical in demonstrating the absence of cognition. These issues are representative of the complexity of the cases our health care clients entrust to us.

We anticipate the manner in which the development of widespread use of electronic patient

records, HIPAA law and health insurer subrogation claims may impact our clients and counsel them so they are prepared for the effects of these changes in the health care industry. We volunteer to teach medical students at medico-legal seminars to advance their knowledge of their legal obligations, for the benefit of their patients and their practices. In short, we are active in every important aspect of the advancement of current medico-legal thinking and our attorneys bring that to bear for the benefit of every client we have the privilege to represent.