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## Hiring the Right Legal Expert

Not all professions are filled with professionals. I recall the old joke, "What do they call the person that graduates last in medical school.....DOCTOR!!!!" This comedic statement is actually a sad reality for the majority of professional careers. Although many individuals pursue and complete a professional career path, not all are motivated or gifted enough to be the most qualified in their respective fields.

Consumers want to hire the best doctors, analysts, financial advisers, and attorneys to have the highest likelihood of achieving the most desirable outcome. Likewise, attorneys desire to hire the most qualified experts to assist on their cases. Hiring the most qualified medical expert for a case can not only be difficult but the most pivotal element of any given case. Hiring a physician directly or through an expert locating directory can be extremely expensive with mixed results, but working with a legal nurse consultant (LNC) can prove to be much more cost effective and beneficial.

There is a difference between a witness and an expert witness. As a general rule, a lay witness, as opposed to an expert witness, usually testifies as to facts and does not give his/her opinion. A jury, however, normally does not have extensive scientific knowledge as pertains to nursing or medical issues. Because nursing activities commonly involve the exercise of professional judgment and the application of advanced knowledge, how the nurse deviated from the standard of care is often difficult for a jury to decide. An expert witness, therefore, is often used to assist the jury by offering an opinion as to whether the nurse committed malpractice or not. Specifically, expert testimony will be required to show the nursing standard of care, how the nurse deviated from or breached that standard, and how the nurse's breach in care caused the patient's harm.

Many attorneys and claims adjusters automatically think that a medical expert is needed to assist with their case. And while this can be true, the fact of the matter is, a legal nurse consultant is likely your best option for analysis of a medical record. A LNC can help unlock the questions and find the buried information within a medical record. In more cases than not, a LNC can help to establish the information that can build a case, support or refute a claim, and provide a detailed review of the record; often eliminating the need for physician review.

To determine exactly what an attorney or claims adjuster needs, here are a few helpful hints and information:

- Determine what the goal of the reviewer/consultant is. Do you need a summary or synopsis of the entire record? Do you need a detailed chronology? Do you need very pointed answers to a specific set of questions?
- Most physician reviewers are unable to generate a detailed chronology- mainly because it is too time consuming and costly. The cost for a physician reviewer vs. a LNC will be dramatically different. It may be cost prohibitive for a physician reviewer to review an entire record, but cost effective for a LNC

to provide a comprehensive summary with recommendations for specific areas of physician review. This process will prove to be more financially and time efficient.

- The scope of the LNC work product is much broader, yet still captures the most important AND critical details of the medical record.
- Remember that the most important function of a nurse is to be well-versed in a multitude of skills and knowledge that surround and involve patient care. These areas include anatomy and physiology, medical AND nursing practices, bedside care, medications, ancillary departments, and lab work, just to name a few. This broad knowledge base translates to an invaluable tool for the litigation team.
- A legal nurse consultant is well equipped to know and understand the workings of a variety of health care settings, how multiple disciplines work together, and better understand the nuances of nursing care and standards of practice.
- A LNC will review the entire case in great detail, and provide you with a working road map of exactly what is needed with the case. Obviously, this road map may include input from physician advisers, but the LNC road map will help you pinpoint the most appropriate medical specialty, and provide an overall view of the case.
- A legal nurse consultant review and report will look at the record as a whole while still detailing specific issues, strengths and weaknesses. More often than not, there are hidden issues that can dramatically influence a case, and thorough review of the ENTIRE record is needed to bring them to the surface. It is simply not practical or cost effective to have a physician pour over an entire record/file with a fine-tooth comb. Using a LNC will help sort out the important details and provide direction as to how to formulate and analyze issues.
- Make no mistake, a case often requires input from multiple sources and specialties. If you have a stack of records, let Malaer Legal Nurse Consulting sort through the issues and develop a trial-ready comprehensive report highlighting the strengths and weaknesses of the case and provide recommendations that will prove invaluable to successful conclusion of the case. With experience in over 175 cases including correctional health, medical malpractice, personal injury, family law, criminal defense, DUII, products liability, and toxic tort with law firms from across the country, I personally guarantee Malaer Legal Nurse Consulting is at the top of the class.

Contact Robert Malaer, MSN, RN, CLNC today for the expert your clients deserve and the success you expect.



