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Trial-Ready Reports for Attorneys



Comprehensive medical record reviews and reports are critical to medical malpractice and personal injury cases. Medical malpractice cases are often complicated and time consuming. Reviewing and interpreting a patient's medical records and determining whether correct treatment occurred, requires a high level of expertise. Attorneys usually turn to medical professionals to make these determinations. A reviewer's opinion often determines whether or not an attorney decides to take on a particular client. The ideal expert will have similar qualifications as the individual who provided the health care in question. It is important to remember though, especially in nursing, that most of the issues involved in a claim constitute very basic concepts which are universal to all areas of nursing.

Certified Legal Nurse Consultants (CLNCs) can play an important role in determining the merits of a medical malpractice claim. Legal nurse consultant services can include:

- Chart organization and Bates stamping or indexing of medical records.
- Identifying missing medical records.
- Transcribing or translating illegible records verbatim.
- Generating a chronological report, which highlights and summarizes the significant events.
- Identifying the proximate cause.
- Identifying the strengths and weakness of a particular claim.
- Conducting necessary medical literature research.
- Identifying and locating the appropriate experts for expert testimony.
- Reviewing opposing expert's reports and depositions and preparing interrogatories.

- Contacting and interviewing appropriate witnesses.
- Preparing witnesses for depositions by the opposing attorney.
- Preparing a written expert report and opinion.

Chronologies are especially useful when reviewing a complicated case with multiple health care facilities. It allows the attorney to condense hundreds or even thousands of pages of medical documentation into a legible and smooth flowing report highlighting the significant events that transpired during the hospitalization. A medical record review can be very time consuming, especially for the non-medical paralegal or junior associate. The reviewer must be familiar with standards of care and how to apply them in the case before them. He/she must locate and interpret pertinent information and be able to identify when parts of the record are missing. Missing documents are a common problem. Sometimes they contain critical information that may affect the merits of the case.

With so many Registered Nurses becoming CLNCs, attorneys are being overwhelmed with marketing visits, emails, mailings, and calls, but it is impossible to know the quality of work product the CLNC produces until they submit their report. Although most CLNCs can review medical records and provide the attorney-client with a comprehensive, chronological report, attorneys need more than just a regurgitation of the documentation found in the medical records and the art of writing is not shared equally among all CLNCs. Understanding exactly what the attorney-client needs for each case and including it in a well-written, professionally report is what separates a successful CLNC from all the others.

At Malaer Legal Nurse Consulting, we understand exactly what is required for each specific type of case and provide each attorney with a trial-ready binder that includes a thorough comprehensive report, timeline, and chronologized referenced medical records. Each report is developed using a specific outline designed for each type of case. The case outlines include:

Personal Injury/Worker's Compensation Cases:

- Summary of accident, extent of injuries, and projected future health-related needs and long-term effects.
- Summary of client's medical status and level of functioning prior to accident and injury.
- Research and summary of root cause analysis of cause of injury with recommendations and location of expert for testimony.
- IME attendance and report.
- A Life Care Plan if indicated and approved by attorney.

Medical Malpractice Cases:

- Chronological executive summary of medical records.

- Summary of medical condition including standards of practice as indicated by professional organizations, accreditations, boards of nursing, and organizational policies and procedures.
- Specific list of deviations of standards of practice and policies and procedures.
- Review and summary of medical coding and billing if indicated or requested by attorney.
- IME attendance and report.
- Recommendations and location of expert for testimony.
- Affidavit of Merit if required.

Nursing Home Cases

- Timeline of medical records including wound documentation, care plans, MDS documentation, falls, injuries, nursing assessments, transfers, medical records from other facilities, incident reports, investigations, physician and specialist documentation, therapy documentation, and daily documentation reports.
- Wound table if appropriate.
- Weight table if appropriate.
- Executive summary of timeline with focus on deviations of Medicare and Medicaid standards of practice and regulations, board of nursing scope of practice and standards of care, specific state regulations, and facility policies and procedures.

Correctional Health/Jail/DUI Cases

- Executive summary of all records including medical records prior to arrest, police records, audio/video recordings, correctional health records, correctional records, postrelease medical records.
- Summary of medical condition including standards of practice as indicated by professional correctional and healthcare organizations, accreditations, boards of nursing, facility policies and procedures, contracted healthcare staffing organization policies and procedures, contractual agreement between correctional facility and healthcare organization, state regulations, and proof of deliberate indifference for Federal cases.
- In-person visits and assessments at the correctional facility.
- IME attendance and report.
- Specific list of deviations of regulations, standards of practice, and policies and procedures.
- Life Care Plan if appropriate and requested by attorney.

Criminal Defense

- Research with written report.
- Medical records review and summarization.
- Case development and team support.

Family Law/Divorce/Child Support/Alimony/Adoption

- Review and summarization of medical records.
- Vocational Assessment if requested.

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