

The Real Reason You Need a Good Medical Malpractice Attorney

April 17, 2009. By Brenda Craig

Nutley, NJ: Attorney David Paris prefers to put ethics and professional responsibility far and above all considerations when it comes to **medical malpractice** suits. "So many clients come to me and they are angry about something that has gone wrong," says Paris. "Their friends, their co-workers, their relatives and even other doctors are urging them to sue," says Paris.

But after listening to their story and reviewing the file, Paris often has to tell a grieving spouse or parents there really is no case. "They may have a reason to feel angry or believe they weren't treated well," he says, "but it doesn't always add up to malpractice."

Medical Malpractice is Unlike Other Types of Litigation

Paris has successfully represented hundreds of patients in medical malpractice lawsuits during his career as a trial lawyer. However, he makes it a rule only to take cases where he believes the evidence will produce a winning verdict at trial. "The smart and ethical decision is not to take a case that doesn't have merit," he says. "A medical malpractice suit is not the kind of case that gets settled on the courthouse steps like a slip-and-fall case. It is very different."

The Bar is High

Typically, when Paris meets a new client he walks them through the legal realities of medical malpractice law. "I tell my clients you came here because you need a lawyer, not a cheerleader," he says, "and I tell them the hard realities that are involved in medical malpractice cases. Just because a doctor isn't nice to you or didn't explain something doesn't make it malpractice."

A court will require that an attorney prove the doctor did not meet the accepted standard of care and that the damage done was directly related to that failure. "Insurance companies defend medical malpractice vigorously," says Paris "These cases aren't that easy to win."

Doctors Win More Than They Lose

Paris keeps a careful watch on how cases unfold. Insurance companies will fight every case even when the odds are not in their favor. "Although the successful suits get the headlines and it may seem that doctors frequently lose the argument," says Paris "the truth is doctors win more than most people realize."

Some People Just Want Answers

A highly regarded attorney with hundreds and hundreds of courtroom hours under his belt, David Paris could probably write a book about the relationship between patients and doctors who get tangled up in medical malpractice cases.

"Doctors should pay more attention to their bedside manner and would be well advised to spend more time with patients and families," he says.

"I think people would be amazed how many times a patient comes to a plaintiff attorney simply because they don't understand why something happened," says Paris. "Often the issue is not necessarily how they were treated medically, but how they were treated non-medically," adds Paris.

Parents Left His Office With Some Peace

Paris thinks back to a couple that came to him after their child was stillborn and nobody had told them why. "Maybe it was because the doctors were afraid to sit down with them and explain what happened," says Paris. "We had the case reviewed by two independent doctors. We found it had nothing to do with malpractice and I was able to tell them that and they were able to leave here with some peace."

"And that situation is not rare," says Paris. "The parents finally had the explanation they had never gotten at the hospital. We had no case, but they had the answers they were looking for."

David Paris is a partner with the firm of Piro, Zinna, Cifelli, Paris & Genitempo and supervises the firm's litigation section and specializes in the trial of medical malpractice cases for patients and complex products liability, professional negligence and general liability cases with substantial damages. He is a graduate of Boston University and Boston University School of Law.