

# THE FEINBERG FIRM

## MEDICAL MALPRACTICE (AND OTHER PROFESSIONAL MALPRACTICE) INCLUDING NURSING HOME CASES FREQUENTLY ASKED QUESTIONS

If you think you may have a case call me. I will always enjoy speaking with you.

**IMMEDIATELY NOTIFY SOMEBODY OF THE INCIDENT  
AND GET MEDICAL HELP IF NEEDED**

**ALWAYS FEEL FREE TO CALL ME (DONALD FEINBERG) WORK: 215-558-2567  
ext. 101**

**1. QUESTION:** Can I bring a claim if no one witnessed the malpractice other than the alleged negligent professional?

**ANSWER:** Yes. In most professional negligence cases, no one is around to witness the event that forms the basis of the claim. However, in all professional negligence claims, there exists documentary evidence to establish what was done or not done. These types of cases rely heavily on documentary evidence. In addition, statements made by the alleged negligent professional can also be used to establish your claim.

**2. QUESTION:** How much is my claim worth?

**ANSWER:** Regrettably, I cannot provide an answer to this question. The value of every claim is determined on a case by case basis. Factors which determine the value of a case are: The nature and extent of your injury; how the injury affects your lifestyle; and if you are partially at fault for the incident (did you follow your doctor's or lawyer's or accountant's or other professional's advice). There are also innumerable intangible factors such as how the fact-finder judge, jury or arbitrators view you as well as the defendant.



3. **QUESTION:** How long will my case take?

**ANSWER:** There is no set time limit for a case. Professional negligence cases generally take longer to process because in all professional negligence cases a portion of the case involves expert witnesses. Most expert witnesses are active professionals who have a lot of responsibilities other than litigation. Generally it takes 12-24 months to fully develop a malpractice claim depending on the number of defendants and the type of malpractice at issue, Once a case is fully developed, the Court will set a date for trial. In some counties this date is pre-determined when the Complaint is filed. In other counties the Courts rely upon the lawyers to notify the Court when the case is fully developed and ready to be tried. Once the Court is notified that a case is ready for trial, it may take some time to get a trial date depending upon the Court's backlog.

