



[Click here for Medical Malpractice](#) | [Click here for Legal Malpractice](#)

## What is Medical Malpractice?

### ABPLA Board Certified Medical Malpractice Attorneys The Top Medical Malpractice Attorneys in America

Medical malpractice occurs when a hospital, doctor or other health care professional, through a negligent act or omission, causes an injury to a patient. The negligence might be the result of errors in diagnosis, treatment, aftercare or health management.

To be considered medical malpractice under the law, the claim must have the following characteristics:

- **A violation of the standard of care** - The law acknowledges that there are certain medical standards that are recognized by the profession as being acceptable medical treatment by reasonably prudent health care professionals under like or similar circumstances. This is known as the standard of care. A patient has the right to expect that health care professionals will deliver care that is consistent with these standards. If it is determined that the standard of care has not been met, then negligence may be established.
- **An injury was caused by the negligence** - For a medical malpractice claim to be valid, it is not sufficient that a health care professional simply violated the standard of care. The patient must also prove he or she sustained an injury that would not have occurred in the absence of negligence. An unfavorable outcome by itself is not malpractice. The patient must prove that the negligence caused the injury. If there is an injury without negligence or negligence that did not cause an injury, there is no case.
- **The injury resulted in significant damages** - Medical malpractice lawsuits are extremely expensive to litigate, frequently requiring testimony of numerous medical experts and countless hours of deposition testimony. For a case to be viable, the patient must show that significant damages resulted from an injury received due to the medical negligence. If the damages are small, the cost of pursuing the case might be greater than the eventual recovery. To pursue a medical malpractice claim, the patient must show that the injury resulted in disability, loss of income, unusual pain, suffering and hardship, or significant past and future medical bills.



### Announcements

**Diplomate Nomination** - Know attorneys who qualify to be a Diplomate of the ABPLA? [Nominate them today!](#)

*Is Mild TBI Always Mild? Recent Findings from the TRACK-TBI Study- [Dr. Geoff Manley](#)*

### Examples of Medical Malpractice

Medical malpractice can take many forms. Here are some examples of medical negligence that might lead to a lawsuit:

- Failure to diagnose or misdiagnosis
- Misreading or ignoring laboratory results
- Unnecessary surgery

- Surgical errors or wrong site surgery
- Improper medication or dosage
- Poor follow-up or aftercare
- Premature discharge
- Disregarding or not taking appropriate patient history
- Failure to order proper testing
- Failure to recognize symptoms

### Choose a Board Certified Medical Malpractice Attorney

If you believe that you or a family member may have been a victim of medical malpractice resulting in serious injury, you should [consult a Board Certified medical malpractice attorney](#).

ABPLA Board Certified medical malpractice attorneys are among the best medical malpractice attorneys in the country. Each Board Certified attorney must meet and exceed rigorous [standards](#) through Experience, Ethics, Education, Examination and Excellence in professional liability law.

## What is Legal Malpractice?

### ABPLA Board Certified Legal Malpractice Attorneys

#### Experts in Attorney Malpractice

Legal malpractice occurs when a lawyer commits an error, omission or breach of duty to the client or the justice system that results in a negative legal outcome or monetary loss for the client or a third party.

To be considered malpractice under the law, the claim must have the following characteristics:

- **There was a violation of the standard of professional conduct** - The law acknowledges that there are certain legal standards that are recognized by the profession as being acceptable conduct. These standards of professional conduct are largely determined by the ethics rules of the state bar association. Attorneys have an obligation to their clients and the bar to operate within these standards. Clients have the right to expect attorneys will follow the law, behave in an ethical and honest manner, act in the best interests of their clients with integrity, diligence and good faith, and will execute their matters at a level of competency that protects their legal rights. Lawyers must also maintain and supply clients with full and detailed reports of all money and/or property handled for them. Finally, attorneys must not inflict damage on third parties through frivolous litigation or malicious prosecution. If it is determined that the standards of professional conduct have been violated, then negligence may be established.
- **The negligence caused a negative legal outcome** - It is not sufficient that an attorney simply was negligent for a legal malpractice claim to be valid. The plaintiff must also prove that there were legal, monetary or other negative ramifications that were caused by the negligence. An unfavorable outcome by itself is not malpractice. There must be a direct causative link between a violation of the standard of professional conduct and the negative result.
- **The negligence resulted in significant damages** - Legal malpractice lawsuits are expensive to litigate. For a case to be viable, the plaintiff must show significant damages that resulted from the negligence. If the damages are small, the cost of pursuing the case might be greater than the eventual recovery. To be worth pursuing, the plaintiff must show that the outcome resulted in losses far in excess of the amount of legal fees and expenses necessary to bring the action.

### Examples of Lawyer Negligence

Attorney malpractice can take many forms. Here are some examples of legal negligence that might lead to a lawsuit:

- Conflicts of interest

- Errors or omissions resulting in dismissal of a client's case
- Missing Statute of Limitations
- Misappropriation of client funds
- Billing fraud
- Poorly written legal documents
- Breach of fiduciary duty
- Breach of attorney-client privilege
- Abandonment of a client's matter or lack of due diligence
- Exerting undue influence adverse to the client's interest
- Improper legal advice
- Malicious or frivolous litigation
- Excessive litigation at the client's expense
- Obstruction of justice
- Presenting false evidence
- Malfeasance or dishonesty

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[Back to top](#) 

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