



The Bare Truth



Gulf Atlantic Legal Defense Insurance, Inc.

October 2010

A Common Sense Approach to Selecting an Attorney

How does a physician go about selecting a competent attorney? One of the most important decisions you will make when a malpractice claim is filed against you is your selection of an attorney. Here are some general guidelines.

Lawyers, once licensed, can practice and advertise themselves as specializing in any area of law, including medical malpractice defense. They do not have to undergo a residency, additional training or advanced education in the area of medical malpractice defense; they can simply hang up a shingle and say they are competent. It makes common sense to do a background check on the attorney and firm you are considering.

Firms specializing in medical malpractice defense have a depth of legal experience. The senior partners will have two to three decades of malpractice experience. Junior associates will be tutored by the senior partners for many years before they will be allowed to attend depositions and participate in the courtroom on their own. In short, they undergo a lengthy residency where they learn the trade. Your lawyer should have at least five to seven years of medical malpractice defense experience. Be leery of lawyers with just a couple years of experience. Remember, bringing a case against a physician is an expensive enterprise and the plaintiff's attorney will have many years of experience. They are not looking to waste their time and money. You may think it is a frivolous case; they will not.

Does the attorney and firm represent other malpractice carriers? Every firm keeps a client list; ask for it. Cross reference the list with the major malpractice carriers in Florida. If they don't represent any of the major carriers, ask "Why not?" Often their client list may

say they represent hospitals, but is their representation for medical malpractice defense or collections? Check with the hospital Risk Manager. See if the firm properly represents itself. Don't be afraid of asking pointed questions.

Is the lawyer representing you "board certified?" A lawyer can be board certified in several different areas of the law, including civil, criminal, family law, tax, etc. If your lawyer is actively practicing medical malpractice defense look for a lawyer that is a "Board Certified Civil Trial Lawyer." This board certification indicates the attorney has spent many hours in the court room sharpening and honing his or her litigation skills.

Ask the lawyer how many medical malpractice cases they have tried. Get a list of the cases tried in the past year. Inquire as to his or her win/loss record and mediations attended in the past year. A good malpractice lawyer will try between six and ten cases and participate in well over a dozen mediations in any given year. Legal experience is acquired in mediations and courtrooms. Make sure your lawyer has this experience.

Who picks your expert? Do you have any input? One of the most important decisions in any malpractice case is the selection of your medical expert. Good experts do not come cheap. You should always have input into the selection of your expert(s). The best attorneys look for local, regional and national experts. The local expert can support the standard of care in your community and the regional and national expert can reinforce that standard.

Who We Are....

Gulf Atlantic Legal Defense, affectionately known as GALDI, is a wholly owned subsidiary of Gulf Atlantic Group and is the premier provider of legal defense insurance for physicians making the choice to go "bare."

GALDI provides Florida physicians with a formidable and well-funded defense. GALDI offers up to \$100,000 per claim with a \$200,000 annual aggregate, and group discounts are available. It is the missing piece in any wealth or asset protection plan. If you are interested in a quick quote, please call 1-800-839-2944 or visit our web site:

www.gulfatlantic.com

You should not be financially tied to an attorney you do not respect personally or professionally. Is your lawyer's financial incentive to fully defend you or cut costs when possible? Defending medical malpractice cases is an expensive proposition; good experts are expensive and can easily cost \$7,500 - \$10,000 for review and trial time.

Have a comfortable working relationship with your attorney. You will be working with them under stressful conditions and making decisions in an adversarial environment. If you do not it will adversely affect your trust and cloud your decision making. If you feel uncomfortable or believe there is a conflict of interest between you and your attorney, consider changing attorneys or firms.

Whether you are bare or considering going bare, your attorney should be experienced, capable and have the financial wherewithal to provide you with the best possible defense of your medical malpractice case. Your license to prac-



The Bare Truth



Gulf Atlantic Legal Defense Insurance, Inc.

October 2010

Gulf Atlantic Legal Defense, Inc.

P.O. Box 12200 (32317)
2549 Barrington Circle
Tallahassee, FL 32308



Phone: 800-839-2944
Fax: 800-357-0652
www.gulfatlantic.com

*Individual and Group
Quotes Available*

Doctor, Are you on the web?

The licensing of physicians in Florida is the responsibility of the Florida Department of Health, specifically the Division of Medical Quality Assurance (MQA). The MQA has three basic functions: licensure, enforcement and information. Much of the information compiled by MQA is public record and every physician should occasionally query the following sites for their own information.

Paid Malpractice Claims:<https://apps.fldfs.com/PLCR/Search/MPLClaim.aspx> This site is maintained by the Florida Department of Financial Services and provides closed claim information on physicians, hospitals and lawyers. If you have ever had a paid claim you should query this database to ensure the accuracy of the report. You have the ability to amend the description of the paid claim. Many malpractice carriers

may or may not submit their description of the loss to you for review prior to submission. It is a good idea to routinely review this site for accuracy.

Physician Profile:ww2.doh.state.fl.us/IRM00profiling/searchform.ASP This site offers quite a bit of information about you, including training, board certification, community involvement, awards, criminal, discipline and malpractice information. Some of the information is not verified by the State of Florida and may be incorrect. Under the "Proceeds and Actions" tab is a link to the Department of Financial Services webpage on reported malpractice claims.

Medical License:ww2.doh.state.fl.us/IRM00PRAES/PRASLIST.ASP This site provides basic information on any physician licensed with the state of Florida. It will provide your exact

name, address and license number. It also provides you with various links to other sites.

American Medical Association (AMA):<https://extapps.ama-assn.org/doctorfinder/home.jsp> This site claims to have information on 650,000+ physicians and osteopaths, members and non-members of the AMA. Searches can be performed by name or specialty. You will receive information like specialty, education, residency, address and certification.

For an **excellent overview** of the current state of malpractice in Florida here is a link to the **Florida Office of Insurance Regulation 2009 Annual Report:** www.floir.com/pdf/MedicaMalReport10012009.pdf