

Barry M. O'Meara & Son Solicitors

18 SOUTH MALL, CORK.



online information:

MEDICAL NEGLIGENCE

Address: 18 South Mall, Cork.

Email: info@bmomeara.ie

Tel: 021-4273305



Issues in Medical Negligence

Medical Negligence arises out of injuries suffered at the hands of a Doctor and/or Hospital. Only a very small number of cases succeed. Statistically, out of 200 incidents only 1 Legal action is commenced. It is very difficult to bring home a medical negligence action successfully and the workload involved is very substantial and 10 to 20 times greater than in a normal personal injury action, such as an accident arising out of car crash. Discovery is a major cost in medical negligence actions with a massive amount of medical notes and papers to be examined and interpreted. Several Medical Experts in different fields may have to be consulted and they have to go through all these notes, which sometimes can be difficult to interpret as they are often done in handwriting.

Recently, the Minister for Jobs, Enterprise and Innovation has proposed the establishment of a Medical Injuries Assessment Board, along the lines of the Injures Board. It is my view that this is not a runner, particularly in view of the number of such claims and secondly, the cost of setting up a body to deal with a small number of claims which will entail a massive amount of work on such a body. It would have to peruse masses of medical notes and presumably, like a Solicitor acting for the Plaintiff would need a lot of expertise and the employment of a lot of experts to analyse that information. The Discovery of all these documents would be doubly expensive as the Plaintiff's Solicitor would have to do the same before, if not at the minimum after the Injuries Board. In such medical negligence cases there are enormous outlays as these Experts have to be employed and their fees which are substantial have to be discharged before they will release their reports. Thus, medical negligence cases need substantial finance to get them off the ground. There was a time when Solicitors would bear these costs until the completion of the case, but this is not the case anymore. In today's world, such outlays have to be discharged at the time they are being incurred.

It is unwise for a Solicitor to commence any medical negligence Legal proceedings unless he has the necessary medical reports to support the case he is making on behalf of his client. Surprisingly, the main issue for medically injured Plaintiffs is not compensation. They want accountability and to have it placed at the door of the person or body responsible and wish to ensure that such an accident cannot happen to other persons.

If such a body was established, it would appear that if the Injuries Board dealt with claims on a notification basis without the necessary proofs, the number of claims would multiply for minor injuries, which would not have been contemplated due to the cost of mounting such claims and the risks attached to failure in such cases. There is still a question over the Injuries Board and its efficiency in the present operation. In the short term, the Injuries Board perhaps may appear efficient but in the long term, taking into account all the running costs of the Injuries Board one wonders if time will prove that it is just another tier of costs and expense in the taking of a claim for injury. In my view this is certainly the case if medical injuries/accidents were brought under a similar body as the Injuries Board.

Your Contact:

If you wish to discuss any of the above issues or any other litigation issues that arise, please contact **John Purcell** at john.purcell@bmomeara.ie or telephone 021-4273305

Address: 18 South Mall, Cork.

Email: info@bmomeara.ie

Tel: 021-4273305

