

## PARTICIPATING IN YOUR DEFENSE HELPS MINIMIZE LITIGATION STRESS

A crucial first step in managing litigation stress is to get involved in your defense, "just as you would want a prudent patient to get involved and take some responsibility for their own care," says Dr. Louise Andrew, a physician- attorney and associate director of the Center for Professional Well-Being in Durham, N.C. She provides these suggestions for getting the best from your defense team:

- 1. **Report it to your insurer** immediately as soon as you have the slightest indication there may be litigation. They will tell you what you can and can't do from that day forward in order to be protected.
- 2. **Make sure you have the best attorney** you can possibly get. Your insurer will probably assign you an attorney, but you need to interview that attorney and make sure that their qualifications for handling a medical malpractice case are adequate, or better yet, excellent.
- 3. **Find out if there is a case** to begin with. Once you have a competent attorney, find out what claims have actually been made, what documents have been filed, what kinds of demands are being made on you and exactly when all the responses are due. Insist on copies of every document that goes out

- 11e Educate the attorney** about every [medical] aspect of this type of case, track down information for them, and refer them to appropriate resources. If you feel you will be better served by the testimony of a particular expert, insist on getting that expert.
- 11e Find out your attorney's theory of the case**-the theory of what actually happened- so you can tell him whether that's on the right track or not, and redirect him if it needs to be different.
- 11e Make sure you get careful counseling and preparation for depositions or court testimony.** A good lawyer will do that for you, but if your attorney is not planning on it, you should demand that someone prepare you, such as a consultant who does this type of witness preparation or another attorney in the firm who is familiar with the case and deposition tactics.

