



## **Tips for Talking to a Lawyer about Medical Malpractice and Birth Injury**

### ***Preparing for a Conversation with a Lawyer***

If your child was diagnosed with HIE, you may choose to hire a birth injury lawyer to investigate precisely what happened and determine if a medical error caused your child's injuries. Talking to lawyers may feel pretty intimidating, especially if you've never spoken to one before. How do you prepare for such a conversation? The following list includes questions to think about - you may not have the answers to many of these, but they're useful to think about and can potentially help in the search for answers.

1. **Think about what happened during pregnancy.** If there were any concerns you had about how you were cared for, what were they? Did you feel like all of your health concerns were addressed? Did you have regular appointments to check up on your baby's health? Who were these appointments held with? Did you get information about what the 'normal' pregnancy course was? Did you have explanations given to you about what different prenatal tests were for?
2. **Think about what happened during labor and delivery.** Did you have a very long labor? How long do you recall pushing? Did doctors call for a C-section? Did the baby get stuck? Were you given a lot of Pitocin? Did a doctor miss an infection they could have treated? Did they use a vacuum extractor or forceps? Did fetal monitoring alarms go off?
3. **Keep notes of the conversations you had with care providers.** It's important to document what happens before, during, and after care. Keeping a record of what you were told or recommended to do is very important, because it helps keep track of how well you and your child were cared for.
4. **Keep notes about any health issues your child had after birth.** What was your child's birth weight? Apgar scores? Did your baby have seizures or need to go to the NICU? Did your baby get head cooling (hypothermia therapy) or need help breathing (intubation)? Did you receive any abnormal lab or test results? What medicines did your baby receive after birth?
5. **Keep notes about your child's diagnoses, diagnostic tests, or imaging that was performed.** A good law firm will take care of getting copies of the medical records for you, so you don't have to worry about getting reams of official medical paperwork. It is good to take note of whether your child has been formally diagnosed (for example, with developmental delays, cerebral palsy, PVL, or similar diagnoses), and whether your child had imaging tests done (especially MRIs, CAT scans, or ultrasounds). If you know that your child had imaging done, the attorneys can have experts look at the imaging results to help figure out exactly what kind of brain injury they might have. They can also look at the medical records to pinpoint the cause of your child's injuries.
6. **Keep notes about your child's past and current health and development.** Is your child missing developmental milestones like rolling over, feeding, crawling or walking, grasping objects, tracking with their eyes, or talking? If your child has developmental delays, are they seeing a physical, occupational, or speech therapist? How severe are these delays? Are they in a special education program, or do they have an Individualized Education Plan (IEP)? Do



they have multiple complex health issues? How are these issues being treated? Have they needed any surgeries?

Usually, the first conversation you have with an attorney's office will involve the attorneys' team gathering some information about what happened around labor, birth and delivery. Each law firm does this a little differently, so you may have some differences in questions. After the initial phone call/consultation, the law firm will tell you what they can do. Sometimes they take on your case, while in other cases they cannot help. In some cases where they think it would be better to use local counsel, they can refer your case to a trusted associate. All of this depends on many factors, each of which varies significantly depending on the situation.

***What sort of questions can I expect when I call an attorney's office for the first time?***

Lawyer's offices all ask different questions, and it can seem like you're handing over a lot of information. The thing is – you are, but it is used *only* to evaluate your case to see whether or not the law office can help your case. Your information is *never* shared or sold, so you don't have to worry about any risk to the privacy of you, your family, or your information.

Questions you might be asked can include:

- **Your contact information (name, address, email, phone).** This is to make sure the attorneys can reach you if they have any questions.
- **Where prenatal care and delivery occurred.** Law is very complicated, and it varies state-by-state. Knowing the state in which the injury happened helps the attorneys evaluate your case.
- **When your child was born.** States all have different 'statutes of limitations,' which are timeframes in which a person can take their case to court. If the statute of limitations expires, you can't take legal action.
- **Your health history and the health history of your child.** Knowing this information helps determine if you might have a case. This might include questions about prenatal care, labor and delivery, and events that happened after birth (like, for example, Apgar scores, NICU stays, or abnormal lab tests after birth). It may also include information about your child's current health condition as well.

Law offices often have a pattern of questions that they ask, so the length of time that it takes to complete the initial consultation may vary. Usually it takes between 15 and 20 minutes, though it could be more or less depending on the situation.

Once you finish the initial consultation, you'll be contacted again. If the firm accepts your case, you'll get a short list of things to do, but the attorneys will do most of the work. A good birth injury firm will do much of the legwork for you, and you'll only spend several hours (total) preparing your case, leaving you more time to take care of your child.