

Legal nurse consultants offer cost-effective litigation help

By Correy E. Stephenson

Lawyers can add value and save money by using legal nurse consultants in cases that involve medical issues. While these consultants most commonly deal with medical malpractice and personal injury cases, they also have carved out a niche in criminal, workers' compensation, estate and family law matters.

We "bridge the legal and medical world," said Mindy Cohen, past president of the American Association of Legal Nurse Consultants and founder and president of Mindy Cohen and Associates in Villanova, Pa. "We are involved in any type of litigation that involves injury or illness."

Legal nurse consultants most commonly deal with medical malpractice and personal injury cases. But Cohen has also worked on criminal, workers' compensation, estate and family law matters.

James Reed, a plaintiffs' attorney at the Ziff Law Firm in Elmira, N.Y., says that legal nurse consultants "add immeasurably to the effectiveness and value of a case."

Reed currently employs two interns who are students at the University of Rochester

legal nurse consultant training program. One intern is working on a potential case where a patient was prescribed Coumadin, an anticoagulant, as well as other medications that were contraindicated with Coumadin.

The intern is reviewing all of the medical records and lab reports and writing up a summary, as well as researching a number of issues, including why the client should have been given a lower dose of Coumadin, why the other medications were given at a different time, and why the Coumadin dosage wasn't changed based on various blood levels.

"It's a lot of basic information being summarized for me so that I can make an informed decision about whether or not malpractice occurred," Reed said.

How to use them

In addition to screening cases, legal nurse consultants can educate lawyers about the medical issues at play, develop case chronologies and timelines, locate expert witnesses, conduct medical research and prepare lawyers for depositions, mediation or trial – all at a lower cost than a doctor.



• Screening cases, finding experts

Legal nurse consultants can review medical records and provide a summary and analysis identifying the strengths and weaknesses of a potential claim, explained Cohen.

"We can identify who the potential defendants would be and possible experts," she said, including suggesting a specific doctor to be used as a medical expert.

• Case preparation

Once a case has been filed, Reed, author of the New York Injury Law Blog, uses his legal nurse consultants to help him organize and prepare.

"I've had nurses conduct medical research on a certain issue, and I often have them explain things to me," he said, such as lab results or the specifics of a physical test that is described in a medical record.

Reed also has his legal nurse consultants prepare lists of suggested questions for depositions of doctors and defense experts.

"The challenge for any lawyer is that you have to learn the medicine or the mechanics involved in the case, and I use my nurse consultants to educate me so I can do an effective job," he explained.

• Combating the IME, expert testimony

Legal nurse consultants can also be used to combat an independent medical exam, Cohen noted, if they attend the IME with the client and write up a report that can be compared with the doctor's report. (For more on issues with IMEs, see "The fight continues over independent medical exams.")

Reed agreed.

"I have my [legal nurse consultant] do a complete summary from time of arrival to the time they left, indicating any physical testing that was done and documenting as much as possible all the questions asked by the doctor and my client's responses," he explained.

Reed said he has had cases where an IME doctor claimed

that he performed exams that required the client to be in a gown but the legal nurse consultant reported that the client never removed a single piece of clothing.

"That was pretty significant," he said.

Cohen said that in one case, her report differed so significantly from the IME doctor's that the plaintiff's lawyer had her testify at trial.

"This is a difficult climate for plaintiffs, and if I can have more than one source of information or evidence it goes a long way towards making my case more successful," Reed said.

Legal nurse consultants can also testify as damages experts on life care planning or projections for future medical costs, as well as serving as expert fact witnesses on

pain and suffering, Cohen said.

Cost-effective

Because legal nurse consultants are less costly than doctors, they can provide great value – a huge benefit in this economy, Reed noted.

"If I get a basic education from the legal nurse consultant and the appropriate literature and she helps me find the right expert, she has limited the time and money I need to spend with the doctor," he said. "My time with the doctor is more focused and therefore more efficient and cost-effective. Plus, I sound like I know what I'm talking about."

Cohen noted that while many attorneys use paralegals to review medical records and write summaries, legal nurse consultants "un-

derstand the nuances of the medical world and can pick up on subtleties in the medical records and hospital experience that a non-medical professional might not."

Legal nurse consultants typically work on an hourly or a flat-fee basis and work for both plaintiffs and defense attorneys, Cohen said. They are similar to physicians in that some have a general practice while others specialize in a certain type of clinical practice.

For more information, visit www.aalnc.org. To find a legal nurse consultant in a specific area of expertise or in a specific geographic location, visit www.lnclocator.com.

Questions or comments
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