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Medical Negligence Claim – Has Your Well-Being Been Affected?

By Mumtaz Shah

You'll hear more rejections than acceptance for medical negligence cases. Too many solicitors know the problem with these kind of cases. It's difficult, but there are ways to overcome this.

Historically, courts in England and Wales have been very reluctant to find in favour of a plaintiff in any medical negligence claim brought against hospitals or local authorities.

Thus, in order to determine whether or not you have a claim for medical negligence, it is essential that you seek the advice of a medical negligence solicitor as soon as you possibly can after the event that transpired that led you to believe that you were entitled to injury compensation.

Overview - Establishing A 'Duty Of Care'

The crux to any medical negligence claim you make, whether such be against the doctor who operated on you, the hospital where you had the treatment, or the local authority under whose control the hospital comes under (or the NHS directly itself), is being able to prove that you were owed, what is known in legal jargon as, a 'duty of care'.

In this regard, clinical negligence will arise if you were owed such a duty of care and you were not treated with a reasonable degree of skill that would otherwise be expected from a skilled medical practitioner.

As such, if your doctor treated you in such a way that it could be considered careless, or lacked the training required, or if they disregarded the normal rules associated with treating your problem, then you may have grounds for a medical negligence claim.

Keep in mind, however, that previously the courts have said that even in situations where doctors have been 'on-call' for 24 and 36 hours, or more, and mistakes were made due to fatigue in service, a medical negligence claim may not get intimidated - so, it is imperative that you have a medical negligence solicitor representing you and protecting your interests from the outset if you want to stand any chance of winning your medical negligence case.

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The 'Standard Of Care'

You would have thought that being a doctor was sufficient to assume that they should know what they're doing and have reasonably foreseen if they did cock-up, as it would result in a clinical negligence claim.

It is unfortunate in the UK, in any accident claim that involves doctors or medical practitioners, things can get nasty. For them it's wasted years of education if they get banned.

The medical profession is a close community and in most cases they will not admit that someone within their profession was negligent unless the actions of that person could be considered grossly negligent. For this reason you'll need a good and experience solicitor in medical negligent claims.

Prescription Period

If you believe that you have a cause to sue for medical negligence compensation, then you are required to start your claim proceedings within three (3) years from the event that caused the accident injury.

If you are entitled to claim, one of the few exemptions to this rule is medical incapacity. Otherwise, if you do not start your injury claim process before this time, you will forfeit your right to claim for compensation. As such, if a med neg situation does arise, see a specialised solicitor as soon as you can.

Cannot Afford To See A Solicitor

If you believe that you cannot afford to seek the advice of a medical negligence solicitor following what you believe is clinical negligence, don't worry - you can find solicitors these days who are willing to listen to your story and submit a claim on your behalf based on a 'no win no fee' basis.

Fortunately, in some cases no win no fee solicitors don't even take a consultation fee from you. You can make arrangements with your solicitor who will submit a claim for their fees at the conclusion of your case against the insurance company of your opponent (after you win).

So, if you believe you have a claim for medical negligence, don't be put off seeing a solicitor until tomorrow, go and see a no win no fee specialist in medical negligence today.

It's easy to proceed with a medical negligence claim and gain maximum results without the hassle, costs and confusion. Discover the 12 revolutions of medical claims at

<http://www.100Percent-Compensation.co.uk/articles/medical-negligence.html>

Clinical Negligence Solicitor For A Botched Surgery

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Did the surgeon do a good job? Excellent! Did he botch it, badly? Well, quickly read this and you'll discover what to do and where to start.

Statistics do seem to indicate there is an upward trend in wrongful cosmetic surgery treatments; so, would you have a claim for clinical negligence following a bad cosmetic surgery experience?

It is hard to imagine that there can be a worse feeling - you go into have cosmetic surgery treatment to improve your features and hopefully boost your self-esteem and when you finish, you find that something has gone horribly wrong and you have been disfigured for life!

Establishing A Claim

In order for a clinical negligence solicitor to establish that you have a medical negligence claim, the solicitor needs to show that a duty of care situation existed between you and the surgeon and that the surgeon was negligent in this.

Fortunately or unfortunately, however you wish to look at this, prior to 1 April 2002 there was no method of ensuring that the private cosmetic surgeon who treated you had any specialist cosmetic surgery training. Indeed, even if they are still practicing today, if they started practising cosmetic surgery prior 1 April 2002, there would still be no requirement that they had received specialist cosmetic training.

For this reason, having established that a duty of care relationship existed, it should be much easier for your solicitor to show that the surgeon acted negligently than would otherwise be the case in a more mainstream medical negligence claim.

Alternative means of establishing a claim for clinical negligence compensation include:

Informed Consent

Nearly all cases involving cosmetic surgery negligence claims centre on the issue of whether or not you had the appropriate informed consent prior to the procedure. Basically, 'informed consent' means that the surgeon or doctor treating you is required to inform you of:

- the potential benefits of the cosmetic treatment you are about to have, something most cosmetic surgeons are very happy to talk about;
- the potential risks that are associated with the cosmetic surgery procedure you are going to undertake, something most cosmetic surgeons talk about reluctantly; and
- what the alternatives are to the treatment you are about to receive, something cosmetic surgeons sometimes fail to inform their patients!

Without your informed consent to the cosmetic surgery, it is possible for your clinical negligence

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solicitor to establish that a clinical negligence claim exists and to ask for clinical negligence compensation.

Injury Compensation

Besides lack of informed consent, a clinical negligent solicitor can also establish a case for clinical negligence in the event that you suffer any disfigurement or scarring following the procedure, or if the treatment results in you have some other form of disfigurement - such as damaged nerve-ends, damaged internal organs, abrasion, etc.

Dental Surgery

In addition to the more common claim of negligent treatment in cosmetic surgery, if you have recently received any cosmetic dental treatment that did not produce the results you were lead to believe would be the case by the advertising you read, or if the cosmetic dental surgery procedure was painful, or left you in any way disfigured, you may well have the right to claim for dental negligence compensation - so make sure you check this out with your solicitor.

What Should You Do If You Think You Have A Claim?

If you believe you have a clinical negligence claim following cosmetic surgery, you should see a specialist in clinical negligence as soon as you can.

Keep in mind that only a very small fraction of medical negligence claims involving cosmetic surgery procedures are allowed to apply for public funding (such as Legal Aid) to help pay the costs of a claim.

As such, if you cannot afford a specialist clinical negligence solicitor, then you should try and see a compensation solicitor on a no win no fee claim basis as court cases involving clinical negligence centred around cosmetic surgery practices can be time consuming and costly.

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