



Raleigh Medical Malpractice Lawyers Serving All of North Carolina

When does a medical mistake become malpractice? If you were injured by a doctor or medical staff during a procedure, it is important to consult with a Raleigh medical malpractice lawyer to determine whether you have a claim. Also known as medical negligence, medical malpractice arises anytime a doctor or other medical staff member's actions fall below the standard for someone in their position and an individual suffers an injury because of it.

Medical malpractice cases often depend on the unique facts of each case, but there are areas where medical malpractice claims are more common. They include birth injuries, missed diagnoses, anesthesia errors and emergency

room errors. Surgical errors, such as operations on the wrong site, are also prevalent. The best way to know if you have a claim is to discuss your situation with a medical malpractice attorney.

If you believe you were injured or a loved one was lost due to the negligence of a medical professional, you should talk to an attorney at Martin & Jones. The attorneys at our firm will listen to your concerns and provide you with an honest assessment of your case, and they will review all of your options with you.

Skilled Legal Help For Medical Malpractice Victims in North Carolina

At Martin & Jones, all we do is help people who have suffered because of the negligence of others. Since 1982, our lawyers have worked tirelessly to provide hope and skilled counsel to thousands of individuals and families.

When a medical professional or the substandard practices of a health care facility cause you or a family member harm, a medical malpractice claim can help protect your rights. You may be entitled to payment of your medical expenses, lost income, future earnings, and pain and suffering. Contact us to find out if you have a claim with issues such as:

- **Birth injuries** – Cerebral palsy or another type of [birth injury to your newborn](#) caused during or following the birthing process
- **Brain hypoxia** – A [brain injury](#) caused by lack of oxygen during birth or another type of medical procedure
- **Failure to diagnose** – A delayed or [misdiagnosed disease](#) or serious injury
- **Emergency room errors** – An [emergency room error or mistake](#) made by medical personnel or a delay in treatment due to understaffing
- **Prescription medication errors** – Receipt of the [wrong medication](#) or an incorrect dosage
- **Surgical errors** – A [mistake made during surgery or while under anesthesia](#)

Our Approach to Medical Malpractice Claims

With every client we represent, our focus is to obtain the best possible result. We do this by harnessing our experience with medical malpractice claims and meticulous preparation.

At the beginning, we will work with you to gather all of the relevant facts about your case, including consultations, diagnosis, dates of treatment, prescription medication and wages lost. We will have you meet with an independent medical professional to evaluate your condition and provide us with the requisite statement to pursue a claim.

Once these details have been gathered, we will meet with you to review your options and develop a strategy for pursuing your claim.

At each stage of the claims process, we will make sure we communicate where we are at and what to expect at the next stage.

You Have A Limited Time To File A Claim For Medical Negligence In North Carolina

Medical malpractice claims are governed by important time limits known as “Statutes of Limitation”, and if a lawsuit is not filed before the Statute of Limitation expires, the claim is forever barred. The laws concerning Statutes of Limitation are very complicated in malpractice claims and can vary based on specifics of the individual claim.

You must factor in the fact that it takes some time to prepare a case before a lawsuit may be filed. If you think you may have a claim, you should talk to a Raleigh medical malpractice lawyer as soon as possible.

What Your Raleigh Medical Malpractice Attorney Needs to Prove for Medical Negligence Claims

How Do I Know If I Have A Medical Malpractice Claim?

A doctor made a mistake and you’re unhappy about it. Can you sue? That depends on whether the four elements of a medical malpractice claim can be established. They are:

1. **Duty** – Show that the doctor owed you a duty. This involves proving that a doctor-patient relationship existed.
2. **Breach** – Show that the doctor breached that duty. This involves proving that a doctor failed to meet a standard of care for his profession.
3. **Injury** – Show that you were injured. There must be some sort of loss/injury that would not have happened if it were not for the error of the doctor.
4. **Cause** – Show that the breach of duty was the direct cause of your injury.

Generally, these elements are satisfied if it can be shown that the doctor’s (or other healthcare provider’s) actions were not what most doctors of similar training and experience would do, and that the doctor’s actions resulted in an injury or loss to a patient.

Understanding the Challenges to Your Claim

Medical malpractice claims are not easy to win. The first part that is challenging is finding out what really happened. Most claims are built on a physician's notes, which tend to gloss over or downplay their errors.

To succeed, you need to find another doctor who will analyze the case as an expert and testify as to the standard of care and how the physician's actions did not meet it. It is not enough for a doctor to say he or she would have handled a case differently; the doctor must be able to testify to the standard of care within the medical profession and convince a jury that the physician's conduct was unreasonable.

Finally, you need to be able to convince a jury that this is true. Juries can be difficult because they are often sympathetic to the doctors.

It is important to hire a lawyer who has the ability to present your case in a compelling way to a jury. Look for a lawyer with a strong track record handling medical malpractice cases.

Our Medical Malpractice Attorney Outlines Some FAQs

Are the Time Limits to File a Claim the Same for All Malpractice Claims?

The statute of limitations for medical malpractice claims in North Carolina varies and is complicated. Therefore, you have a limited amount of time to file, so the sooner, the better. Examples of situations that vary the timeframe.

- **Minors:** Medical malpractice law for children depends on many factors. It is essential to consult a Raleigh medical malpractice lawyer to determine an accurate statute of limitations.
- **Delayed Injury**
- **Surgical Errors Involving Foreign Objects**
- **Military Malpractice**

Who Can Be Held Liable In Medical Malpractice Lawsuits?

In North Carolina, nurses and other licensed medical professionals are not held liable for medical malpractice as they are employees of a hospital or medical doctor. The supervising hospital or doctor is generally held vicariously responsible for the negligence of any licensed healthcare professionals, including nurses, physician assistants, midwives, and lab technicians.

Some of the most common medical malpractice claims involve medical doctor like

- Surgeons
- Physicians
- Anesthesiologist

However, medical malpractice isn't limited to medical doctors; it applies to negligence committed by almost any professional, organization, or employer in the medical field accountable, including;

- **Licensed Medical Professionals:** Dentists, chiropractors, and nursing home administrators are among the licensed medical professionals that do not require direct physician supervision. They can all be held liable for medical mistakes and negligence.
- **Hospitals:** Hospitals can be held liable for their negligence. Examples of hospital negligence include;
 - Hiring unqualified or incompetent staff or licensed healthcare providers.
 - Mistakes or injuries caused by a nursing staff shortage.
 - [Emergency room errors](#) such as patient dumping and infection exposure
- **The United States Government:** Individuals injured due to negligence at military medical facilities, such as Womack Army Medical Center in Fayetteville, may be entitled to obtain compensation through a [military medical malpractice claim](#). Under the Federal Tort Claims Act (FTCA), the defendant is the United States government and not the individual medical provider.

Where Does Medical Malpractice Take Place?

Medical malpractice can take place anywhere you receive medical care, from a hospital to a clinic or doctor's office.

Medical malpractice claims are most prevalent in hospitals, especially emergency rooms and operating rooms.

How Will I Know If My Healthcare Provider Made A Mistake?

You probably will not know; most health care providers will not let you know when someone has made a mistake.

Mistakes happen more often than you think, and many patients recover without issue. Unfortunately, some mistakes are very serious and cannot be fixed.

One of the first indications of potential medical malpractice is a negative result. In some cases, it may be obvious, such as a scar on the wrong location following surgery. In other instances, it is less clear, and you should consult with a medical malpractice attorney if you suspect a mistake was made.

Is It Medical Malpractice Anytime Someone Passes Away or Has a Negative Result?

No. Sometimes, despite the best efforts of medical staff, a patient passes away or does not respond to treatment the way it was hoped. Medical treatment is only malpractice if it fell below the standard of care for that profession. If you believe you or a loved one received substandard medical treatment, you should consult with an attorney.

Will My Medical Malpractice Attorney Be Able To Recover Damages From Multiple Defendants?

Yes, in a medical malpractice claim, multiple parties can be held accountable for negligence. For example, many misdiagnoses occur due to testing errors. It's essential to understand what caused the [misdiagnosis](#) as multiple parties can be held liable. In this case, the hospital, doctor, testing facility, or test manufacturer could be held accountable.

An experienced Raleigh medical malpractice lawyer will be able to ask the right questions and identify who may be responsible in your case. In the case of misdiagnosis due to a test result error, a medical malpractice lawyer at Martin & Jones may examine;

- Was the testing error something the diagnosing medical professional should have caught?
- Did the lab tech who made a mistake due to negligence?
- Was there a lack of training or testing resources available?
- Did a hospital-wide system cause the mistake?
- Was there an unreasonable delay in testing caused by a hospital policy?
- Did the test manufacturer fail to provide warnings or disclose known defects?

Examining every step of the process is essential because it may change who is held responsible for the malpractice.

For Compassionate Guidance, Contact Martin and Jones

We understand how difficult this time can be and do not want you to be intimidated by what you are facing. Our goal at Martin & Jones is to guide you through this difficult time with the compassion and professionalism you deserve.

[Contact us online](#) or call us at [800-662-1234](tel:800-662-1234) to schedule a consultation in Raleigh, [Durham](#), and Wilmington office locations. Read more about [results we have obtained](#) for our clients and [why you should choose us](#) to help you with

your case.

Team Members



[John Alan Jones](#)

Attorney