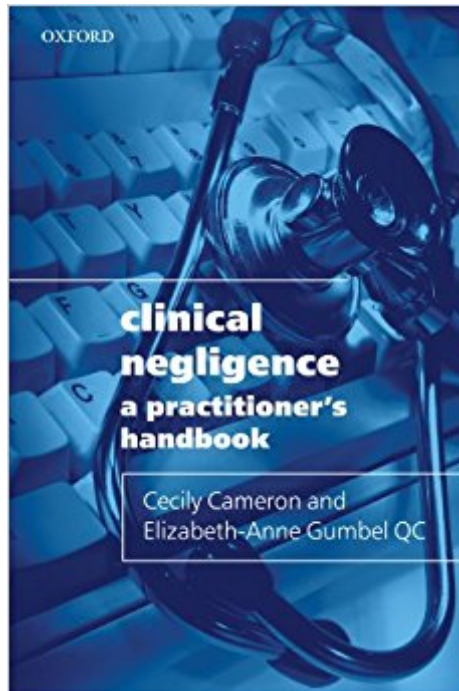




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Clinical Negligence: A Practitioner's Handbook



Synopsis

This new text is a comprehensive guide to investigating and litigating clinical negligence claims, written by two leading practitioners in the field. Aimed particularly at practitioners who are looking to develop their practice in this complex and often emotive area, the book provides a general overview of the law relating to clinical negligence, and focuses on the practical aspects of running a claim. Structured chronologically, the book looks first at the relevant law of negligence and limitation, then at key preliminary matters, including exploring complaints and disciplinary procedures, the possibility of early settlement, risk analysis, limitation, and costs. It goes on to provide detailed guidance on the investigation process as to whether a claim is viable, and to cover every aspect of clinical negligence litigation from the pre-action protocol and issuing proceedings, to managing witnesses and expert evidence, damages, and trial. Practical, user-friendly guidance is included throughout the text on client care, maintaining effective relationships between solicitors and counsel, case management, and procedure. The book details the particular considerations and difficulties that apply to clinical negligence that distinguish it from other personal injury litigation, such as the development of the law of negligence in the field, the technical complexity of the evidence, and risk analysis. It also describes the external organisations that provide the context to the area, and the business considerations that must be understood if the work is to be undertaken profitably, including guidance on funding (Legal Services Commission, private and Conditional Fee Agreement) and insurance. Specific issues of difficulty, such as the differences between public and private sector defendants, are covered in full, and there are sections on particularly complex topics that can arise in practice such as fatal cases, hospital-acquired infections, and cost of upbringing cases. The text is complemented by a useful precedents section, which is organized in a thematic way to ensure ease of reference. Co-written by a solicitor and a barrister, the book benefits from their differing perspectives and experiences of the litigation process which ensures that all crucial elements of case preparation and presentation, and the relevant law and practice are covered in a clear and logical way. Clinical Negligence: A Practitioner's Handbook will be invaluable to junior solicitors and barristers working in the field, practitioners with a working knowledge of personal injury law who are beginning to develop a clinical negligence practice, medical professionals with an interest in medico-legal issues, and relevant legal and voluntary sector organisations.

Book Information

Paperback: 400 pages

Publisher: Oxford University Press; 1 edition (December 7, 2007)

Language: English

ISBN-10: 0199299641

ISBN-13: 978-0199299645

Product Dimensions: 9.1 x 0.9 x 6.2 inches

Shipping Weight: 1.4 pounds (View shipping rates and policies)

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