**“Top Ten” Lessons Learned**

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On a yearly basis, approximately 7.4% of all physicians incur a malpractice claim. By the age of 65, 75% of physicians in a “relatively” low risk specialty like ophthalmology will be involved in a malpractice claim. (New England Journal of Medicine 365; 7 nejm.org August 18, 2011). Don’t take it personally. Get over it, accept it, and work for your defense.

1. Remember that your malpractice carrier, your attorney, and your risk management team, are on your side. They are your most trusted allies.
2. Get involved in selecting your expert witnesses.
3. Personally, review and respond to all “discovery” (interrogatories, requests for admissions) and then give them to your attorney for review before submitting them to the court. Only you understand all the nuances of your case, and the comprehensive field of ophthalmology.
4. Keep your own complete set of files with copies of every document that you lawyer has provided to you. Keep these documents in a filing system that allows for easy retrieval.
5. Review all of your relevant medical records over and over again, until you gain an intimate knowledge of the case. Periodically, take the time to review the entire legal file, both to keep the details of the lawsuit fresh in your mind, and you may actually discover something relevant to your case that was previously overlooked.
6. Attend as many of the depositions as possible. Your presence can be extremely helpful, both to offer counsel and suggestions to your attorney, and to make the witnesses feel uncomfortable.
7. Chart documentation is vital to defense of any case. In retrospect, no detail was too small or unimportant to include in your medical records.
8. As litigation continues, review new medical records that are produced during discovery from any treating physicians (not just ophthalmologists), other healthcare providers and hospitals.
9. Be prepared to have your good name, and character, besmirched and dragged through the mud throughout the process by the plaintiff’s attorney. Keep your cool, and remain relaxed, congenial, and likeable, especially to the jury.
10. Keep the case in its proper historical context. As the duration of the litigation process lengthens, our knowledge of medical treatment and surgical procedures change. Keep the defense team focused on the knowledge and standard of care (SOC) at the time of the event.