

# [A surgeon performs elective surgery on john smith essay sample](https://assignbuster.com/a-surgeon-performs-elective-surgery-on-john-smith-essay-sample/)

Smith later complains to his surgeon about pain resulting from the surgery. His surgeon dismisses his complaints as not credible and eventually withdraws from the case. Smith is then treated by another surgeon, who determines that Smith developed complications from surgery and that the delay in treatment has made the complications worse. Smith sees an attorney about a possible lawsuit against the first surgeon. Name the causes of action and, using the facts provided in the scenario, explain the corresponding theories of liability that could support a lawsuit under these circumstances. Make sure to mention what elements a plaintiff would have to prove in each cause of action to support that theory of liability. Be sure to use citations in support of your assertions. You may cite cases or information you find on your own, so long as they are from a reputable source Introduction

Cause of action and theories liability

http://definitions. uslegal. com/c/civil-causes-of-action-medical-malpractice/

The difference between Medical negligence and Malpractice.
http://www. bassettlawoffices. com/blog/bid/102399/Medical-Malpractice-VS-Negligence-Whats-The-Difference http://www. medicalmalpractice. com/resources/medical-malpractice/medical-negligence-lawsuits/4-elements-prove-medical-negligence-

Loss of chance of recovery or survival
http://www. aaos. org/news/aaosnow/jan10/managing3. asp

Res Ipsa Loquitur
http://www. adbelllaw. com/Publications/Res-Ipsa-Loquitur. shtml

Abandonment
https://www. ryanllp. com/medical-malpractice/is-medical-abandonment-medical-malpractice

Battery and assault
http://www. hg. org/article. asp? id= 30932

Breach of contract or warranty to cure
http://www. texas-opinions. com/law-breach-of-contract. html

Failure to warn and control
http://injury. findlaw. com/medical-malpractice/proving-fault-in-medical-malpractice-cases. html

Negligent infliction of emotional distress
Loss of consortium
http://www. newyorkinjurycasesblog. com/2009/03/articles/loss-of-consortium-damages/spouse-awarded-1000000-for-loss-of-consortium-claim/ http://www. americanbar. org/newsletter/publications/gp\_solo\_magazine\_home/gp\_solo\_magazine\_index/zimmer. html

It is reasonable and prudent to expect your doctor to perform at a certain level. When your results are less than desired should the doctor be held responsible?