

A surgeon performs
elective surgery on
john smith essay
sample



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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>

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Res Ipsa Loquitur

<http://www.adbellaw.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?

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