



LexisNexis®

LexisNexis MedMal Navigator®

MEDICAL MALPRACTICE FIRMS GAIN EFFICIENCY THROUGH TECHNOLOGY



Perspective is everything in medical malpractice. So we decided to engage top law firms from different sides of the bench for their perspectives on how technology helps drive their practice. We wanted to hear from attorneys and legal professionals in the trenches of medical malpractice, personal injury and insurance defense how they maximize efficiency, client service and case outcomes.

See how a plaintiff and a defense firm tackle medical malpractice, personal injury and insurance defense with the **LexisNexis MedMal Navigator®** service.

Malkmus Law Firm: MedMal Navigator® gives insurance defense firm a leg up on expert and jury research

Tittle & Perlmutter: MedMal Navigator® expert medical research helps personal injury firm go toe-to-toe against providers

Based in Springfield, Missouri, **Malkmus Law Firm** has successfully defended insurance companies in complex medical malpractice lawsuits for over 12 years.

As skilled litigators, the firm is also called upon to represent and defend individuals and companies in a wide range of insurance-related matters, including wrongful death/personal injury, medical malpractice, and vehicle and trucking litigation.

Years of experience in insurance defense specifically has led Malkmus Law Firm to finely hone its processes to deliver the most cost-efficient management of cases, while engineering the outcome to that most favorable for the client. Malkmus attorneys know that winning requires not just legal know-how, but also innovative strategies that leverage resources to craft creative solutions to some of the most complex issues in insurance defense.



MedMal Navigator helps us mimic the manpower resources of a large firm, while still maintaining the high level of quality and client service of a small firm.



- TARA ROHLMAN, MALKMUS LAW FIRM

On the other side of the bench, plaintiffs in medical malpractice cases also shoot to win, using all of the available tools to get the job done. For Allen Tittle, partner of Ohio-based personal injury and medical malpractice firm **Tittle & Perlmutter**, this means using technology to his advantage to improve the firm's chances in personal injury cases. It means using expert research tools to help investigate the claims of his clients and gain a strong understanding and knowledge of medical issues to best represent them. And it means using digital resources to present dynamic visuals to show the jury what happened and prove to the court which party was at fault.

The goal of every attorney, whether representing the plaintiff or defendant, is to provide representation that aligns with the client's goals and expectations. Reaching that goal begins with access to the information they need to confidently formulate a winning case strategy.

SITUATION

Selecting the best-possible expert witness is an essentially important task for a medical malpractice attorney. As legal professionals will attest, a *good* expert can build your case, while a *great* expert witness can also substantially undermine your opponent's case.

Senior attorneys Brian and Deborah Malkmus, Debra Gullett and Jared Robertson believe that in this age of the "battle of the experts," there can be no room left for chance in selecting the right experts. Their belief that experts can make or break a case—and can be one of the most important factors in deciding a medical malpractice case—has been instrumental in earning the firm record jury verdicts.

So it's not surprising that this trial team insists on conducting its own targeted, direct searches to find the best experts for its cases. The same holds true on the other side of the bench for Allen Tittle, who performs his own extensive research on defense experts to minimize the harmful effects of their testimony to a case and potentially nail them down on bias, inconsistencies, logical errors or even collateral attacks on their credentials.

“MedMal Navigator allows our small firm to manage case assessment and preparation tasks that otherwise would require small armies of associates to perform.”

- TARA ROHLMAN, MALKMUS LAW FIRM

The ability to identify, vet and investigate expert witnesses in-house, eliminating the need for expensive expert locating services or insufficient and time-consuming internet searches, is a key strategy play for Malkmus Law Firm. “We prefer for all of the medical experts we utilize in support of defending cases to be board certified with impeccable backgrounds and credentials,” said Tara Rohlman, who provides paralegal support to the firm’s attorneys.

“MedMal Navigator lets me navigate through the database quickly to search for the best,” said Rohlman. “When I’m looking at an expert, credibility and effectiveness are essential to the impact they will have on the outcome of a case. The charts and graphs let me see what I need to know about a prospective expert and easily share my findings with the team, such as how many times they’ve sat on similar cases and if their background supports impartiality and unbiased presentation for our case.”

The screenshot displays the MedMal Navigator software interface. At the top, there is a navigation bar with tabs for Dashboard, Case Value Assessment, Standard of Care, Legal Analysis, Expert Witness (selected), Research Parties, Elsevier's Clinical Key, and Medical References. The main content area shows the profile for 'Expert Witness: Charash, Bruce David M.D., F.A.C.C.'. The profile includes a 'Snapshot' section with a table of case involvement metrics, an 'Areas of Expertise' section listing 'Cardiovascular Diseases, Internal Medicine', and an 'Affiliation' section listing 'Icahn School of Medicine at Mount Sinai, NEW YORK SCHOOL OF MEDICINE / NYU LANGONE MEDICAL CENTER, Doc to Dock Inc'. Below the profile, there are two charts: 'Cases By Hiring Party' (a pie chart showing Plaintiff, Defendant, and Other) and 'Resolution By Hiring Party' (a bar chart showing various resolution outcomes like Defendant verdict, Plaintiff verdict, Settlement, etc.).

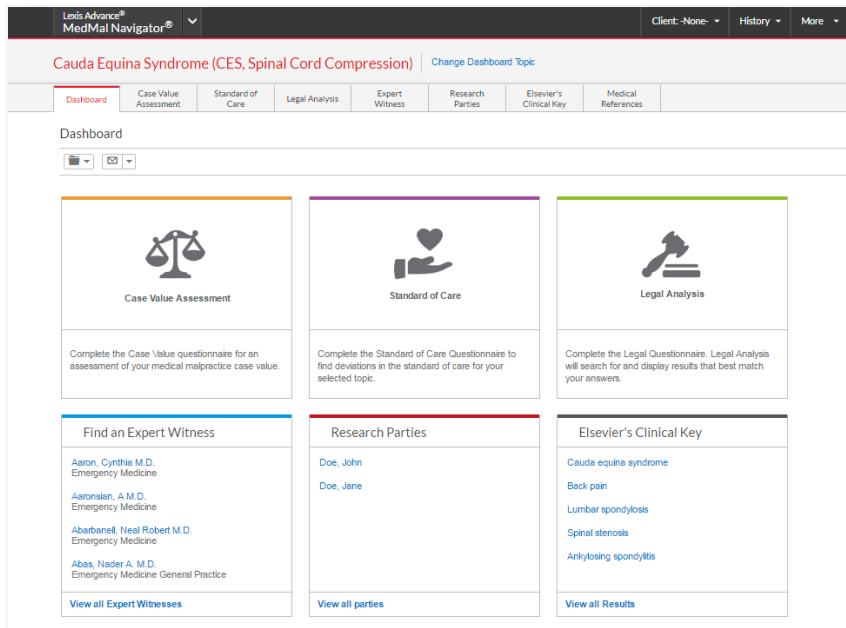
» Find and research the best experts for your case by medical condition and jurisdiction, including their past case involvement and background, with the **Expert Witness pod**.

As a contingency-based firm, technology plays a large role *prior* to Tittle & Perlmutter even accepting a case. “Attorneys put it all on the line when pursuing litigation under a contingency fee arrangement, so, generally, we are only able to accept cases where clients have suffered catastrophic injury or death,” said Tittle. The best way to make sure the big-risk, big-reward strategy pays off is by spotting potential setbacks before they begin.

Since a personal injury case can take an average one to three years to settle from the day of the accident, each case must be carefully evaluated based on risks of prosecuting, as well as potential case outcome. To help weigh the various factors involved, Tittle examines verdicts and settlements from comparable cases to help determine the best way to proceed. “I can dig into specific dockets and documents and see how similar cases resolved. It’s critical that I accurately estimate the value of proceeding or settling, and access to this kind of intelligence helps ensure I make the right move,” Tittle remarked.

“*With MedMal Navigator, I can determine in minutes versus days if a case is worth taking on.*”
 - ALLEN TITTLE, TITTLE & PERLMUTER

Another major factor in the firm’s decision on whether to accept a contingency case is the medical community’s expert perspective. Tittle depends on critical input from medical professionals that he finds through the MedMal Navigator service to help establish the viability of a case from day one. “I have doctors and nurses look at cases before deciding to take them,” said Tittle. “And I try to become somewhat of an expert myself by learning about whatever area of medicine or medical issue so I really know what I’m talking about to create a compelling case argument.” Tittle has found that most preliminary case evaluation and research can be done right from the MedMal Navigator dashboard. “I can search and find scholarly articles that I can’t find anywhere else,” he said, referencing the more than 1,600 full-text Elsevier® medical journals exclusive to the MedMal Navigator service.



» *Organized for the six key steps in medical malpractice cases, the MedMal Navigator service offers a combined medical and legal dashboard with user friendly Q&A technology developed in consultation with doctors, nurses and attorney-editors.*

Tittle continued, “I need to count on real credibility, not only from expert witnesses if a case goes to trial, but equally importantly to let me know in advance factors specific to the client, such as severity of injury and provable damages, which help me figure out if we should take the gamble. With MedMal Navigator, I can research and locate experts pinpointed to the needs of the case. For example, I have a case involving *necrotizing fasciitis*, which is a flesh-eating disease, a skin infection. So when I was looking for surgical and infectious disease experts, all I had to do was open MedMal Navigator to find the right expert for the job.”

PREPARING FOR TRIALS

With so much riding on personal injury cases, Tittle turns to the MedMal Navigator service to “get intel on defense experts” that can help swing a case in his favor. “In the last car accident trial I had, I was able to get my hands on 19 different depositions of a defense expert. His opinions were all over the place, including in contradiction to what he was opining in the current case, so uncovering that information was very helpful in winning the case.” In another recent case, Tittle uncovered over 20 depositions from a defense expert—you can imagine, testimony in direct contradiction with the position he had taken in the current case.”

When preparing to either depose or cross-examine an expert witness at trial, Tittle puts in a significant amount of preparatory work to ensure a favorable result. “By clicking on the Summaries associated with each expert, I can quickly find everything I need, including depositions, background information, past case involvement, medical expertise and jurisdictions typically served,” said Tittle. “MedMal Navigator saves us a tremendous amount of time on research.”

PINPOINTING SEARCHES

Rohlman vets experts based upon the qualifications she typically finds on CVs. The problem is, locating each and every CV through internet searches can seem next to impossible and become a misuse of valuable staff time when there is technology available to speedily do the job. “MedMal Navigator links me directly to their CV right in the dashboard, which is a huge timesaver,” said Rohlman. “Same with testimony. It’s so much more efficient when the testimony is attached right there,” said Rohlman.

“Say I pull up a list of 500 expert witness names—the first thing I care about are their qualifications, so if there is no CV, a lot of times I’m going on to the next one. As you can imagine, it takes a while to sort through 500 names. With MedMal Navigator, I can pinpoint the right ones much, much faster, which saves me massive amounts of time.”

EVALUATING CASES

When Tittle & Perlmutter takes a case, it is essentially investing in that person and the strength of the potential outcome. “That’s why we put a considerable amount of time into evaluating the merits of a case,” said Tittle. “We want to understand the medical treatment, what the doctors have to say, and what’s in store for the victim’s future.”

“*MedMal Navigator simplifies these complex and often highly technical issues, making it easier for me to understand the entire medical picture.*”

- ALLEN TITTLE, TITTLE & PERLMUTTER

The firm has found that one of the best ways to predict case outcomes is to compare verdicts and settlements from prior similar cases to efficiently assess the merits of a case. “With MedMal Navigator, I can determine in minutes versus days if a case is worth taking on,” said Tittle, referring to the case value assessment tool that allows him to determine the value and risk of taking on a personal injury or medical malpractice case using the largest collection of verdicts and settlements.

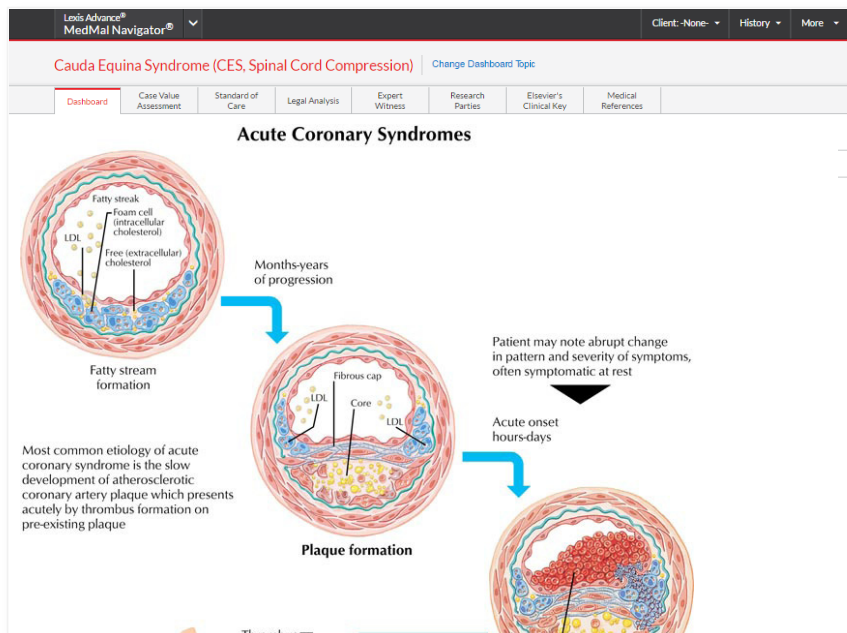
LOCATING EXPERT WITNESSES

Rohlman taps into MedMal Navigator extensive expert witness data, with over 365,000 profiles on file, to conduct research on experts’ experience and background—their own and the opposition’s.

“With every one of my cases, when I get experts in from the opposing side, I’m researching them with MedMal Navigator. I’m thinking about their prior testimony. I’m looking up articles that we might want to read and use to prepare,” said Rohlman. “I can dig up detailed biographical information on these experts, such as medical expertise, jurisdictions typically served, as well as background information and case history. This saves our firm significant time on research.”

MEDICAL RESEARCH

Tittle makes it a requirement to know everything about the subject matter to which the defense expert will testify. He consults the MedMal Navigator service to educate himself through access to an extensive library of medical illustrations and images, full-text medical journals and clinical top summaries. “I want to have a firm grip on all the facts in a case. If I have a case that involves ‘acute coronary syndrome,’ you better believe I’m going to become a subject matter expert on it in no time,” Tittle remarked. “MedMal Navigator helps me do that.”



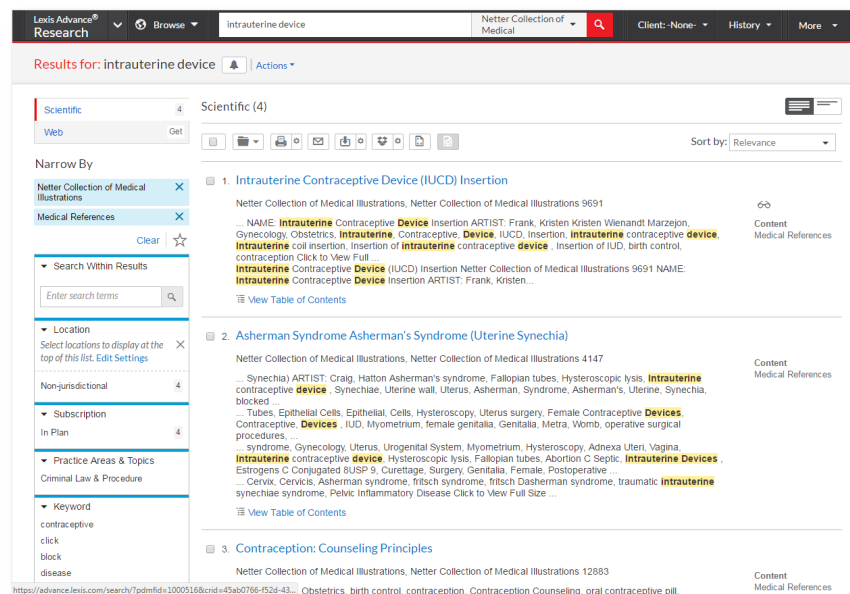
» *The MedMal Navigator all-in-one tool delivers premier medical information used by medical professionals.*

To pinpoint medical issue questioning aimed to discredit or undermine the opinion of the defense expert requires thorough knowledge of the subject matter. To gain this, Tittle accesses medical information that doctors use, including the most highly litigated topics, thousands of medical definitions, issues, guidelines, treatments and abstracts. “MedMal Navigator simplifies these complex and often highly technical issues, making it easier for me to understand the entire medical picture,” said Tittle.

VISUALIZING MEDICAL CONCEPTS

Because many medical issues and concepts can be difficult to explain and conceive, it’s helpful for malpractice legal professionals to be able to quickly master and confidently demonstrate the medical aspects of a case. In addition to their trial and legal team, the jury must be fully educated to understand and visualize often complex medical issues. That’s where Netter medical images and illustrations come into play for Malkmus Law Firm.

With just a few clicks within the home page dashboard, Malkmus can access over 10,000 high-quality artist renderings of anatomy, injury or disease relevant to a case—to bring its cases to life with greater impact than ever before.



Rohlman has found the use of medical imagery is critical to successfully positioning a case. “In one case, we defended a physician against allegations of a missed IUD. By using Netter images, the jury was able to easily visualize and understand IUD placement through detailed images.”

STREAMLINING VOIR DIRE RESEARCH

Malkmus Law Firm's skillful jury selection process typically begins with researching the backgrounds of all potential jurors—a task that may be perceived as daunting, time consuming or impossible to complete given the time constraints from the court. But, not only can Malkmus gather information on jurors not readily available on free internet searches with MedMal Navigator; they can also use interactive charts to review underlying documents in a few clicks to help them power through research.

"I might get a list of 600 jurors two weeks before a trial," said Rohlman. "How feasible is it to hunt all over the internet trying to decipher which juror may have employment or prior suits, or a criminal history that would cause concern? I just open MedMal Navigator and a lot of the information is right there. It makes a huge difference in the amount of hours I spend checking backgrounds.

"Before we go to trial, we look at all our potential jurors to see what problems might arise, as well as case history. For example, in a recent case, we had something that could be potentially negative to the case show up in a background check that the person did not remember. We were able to say, 'Well, this report (from MedMal Navigator) says there's a good chance this was you.' After additional discussion, the judge excused him without us having to use a strike."

As small firms, both Malkmus and Tittle agree that the MedMal Navigator service helps "level the playing field" against larger organizations by giving them access to tools that allow them to go toe-to-toe with the "big guys." Delivered via the state-of-the-art Lexis Advance® legal research platform, "MedMal Navigator allows our small firm to manage case assessment and preparation tasks that otherwise would require small armies of associates to perform," said Rohlman. "MedMal Navigator helps us mimic the manpower resources of a large firm, while still maintaining the high level of quality and client service of a small firm."

MEET MALKMUS LAW FIRM

Malkmus Law Firm, LLC is an AV rated trial firm* established in 2004 with an emphasis on medical negligence, trucking, and general property/casualty defense for insurers. Mr. Malkmus is a fellow of the American College of Trial Attorneys.



The firm defends physicians and hospitals in medical malpractice, personal injury, and wrongful death cases across Missouri, Arkansas, and Oklahoma. The firm has successfully accomplished optimal results for its clients through numerous defense verdicts across these jurisdictions.

The firm credits its clients' trial success to its team-based analysis. The firm has a proactive approach to handling cases by assuming a case is going to trial as a new matter is opened. This often translates to early acquisition of experts and extensive deposition preparation of clients. This client centered approach allows for sooner identification of issues, and allows a more timely and cost-effective evaluation of the case.

*Martindale Hubbell's system of rating experience and reputation—AV is the highest rating for an attorney or law firm.

MEET TITTLE & PERLMUTER

Based in Cleveland, Ohio, Tittle & Perlmutter takes a comprehensive approach to obtaining recovery and protecting the interests of individuals who have suffered an injury or catastrophic medical loss. Tittle & Perlmutter handles cases involving personal injury, medical malpractice, consumer protection, wage and hour litigation, and class actions and recovering compensation that changes clients' lives.



Attorneys Allen Tittle and Scott Perlmutter have been representing victims of medical malpractice, catastrophic personal injuries, and other negligence from the beginning of their careers and have won millions of dollars on behalf of their clients. The types of injuries the firm focuses on include, but are not limited to, wrongful deaths, birth injuries, severe brain injuries, paralysis and other spinal cord injuries. The firm prides itself on leaving no stone unturned to pursue justice and discover the truth.

Practicing across three offices in Ohio, Tittle & Perlmutter's contingency-based services go beyond handling the legal issues of a case. They frequently help clients obtain referrals to medical specialists, make claims for medical payments coverage, and deal with insurers. The firm applies expert experience and works diligently to resolve legal matters, win settlements and jury trials on personal injury and medical malpractice cases.

Learn more about MedMal Navigator

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OR CONTACT US TODAY AT **888.253.3901**

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