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ILLNESS & HOSPITALIZATION—APPLICATIONS

Documents to Show Your Attorney: Illness & Hospitalization

When you meet with your attorney to discuss a lawsuit which you may have against a medical provider, medical device manufacturer, pharmaceutical company, or other similar entity, there is only so much that you can actually tell her. But there is a lot that you can show her to help prove your case whether it be through records, letters, forms, or other types of documents. What sort of documents might your attorney need to see? Why?

_____ **Your Medical Records.** If you are suing someone because of an illness, disease, or required hospitalization, your medical records will speak louder than words in many cases. For example, if you claim that the nursing staff improperly cared for you while you were in the hospital, your medical records will indicate, in the nurses' notes, what sort of care was actually provided. If you do not have these records in your possession, be able to provide your attorney with the names and addresses of the providers you have seen. Your attorney will then be able to obtain copies of your medical records on your behalf.

_____ **Your Mental Health Records.** If you have sought treatment from mental health professionals such as psychologists, psychiatrists, or psychotherapists, your attorney will need to review those records whether or not you claim that the need for the treatment was related to your illness or medical condition. As with medical records, be able to provide your attorney with your record, or with a listing of your mental health care providers.

_____ **Prescription Medicine Information.** If you have a serious illness or disease, or if you have been hospitalized, it is likely that you are either on or have been on some type of prescription medication or medications. Your attorney will need to know the names of any prescription medications which you have taken, including the dosage. While you may be able to tell your attorney this information or while she may be able to find it out by poring through your medical records, you can also show your attorney your prescription medications.

_____ **Your Insurance Information.** If you have any type of health or disability insurance, it is important that your attorney have information relating to that insurance. You should have a copy of your health or disability insurance policy or, in the case of a group plan of insurance, a copy of your certificate of coverage or participation. These documents will enable your attorney to review the scope of your health insurance coverage.

_____ **Hospital and Medical Provider Invoices and Bills.** If you have health insurance, chances are that your insurance will pay for some or all of your doctor and hospital bills. However, those payments may also be denied for a variety of reasons. Whether you are covered by insurance or not, your attorney will be interested in seeing how much you, or

your insurance company, were charged for medical care and treatment. Keep copies of any invoices or bills that you receive and provide them to your attorney.

_____ **Evidence Of Lost Wages.** If you have lost time from work as a result of your illness, disease, or hospitalization, your attorney may be able to help you recover some of that loss. Some types of health insurance allow coverage for lost wages or profits. In other situations, your attorney may try to collect those lost wages or profits directly from the defendant in your lawsuit. Either way, your attorney will need to prove that you actually suffered a wage loss and that it was caused by your illness or hospitalization. One of the easiest ways to prove lost wages is to compare earnings from the periods before and after you were sick or hospitalized. Provide your attorney with these wage records. If you do not have your wage records or pay stubs, your attorney will be able to request them from your employer on your behalf.

_____ **Documents Received from the Defendant.** If you have received any documents from the defendant, make sure that you keep them and provide them to your attorney. For example, if you are bringing a lawsuit against a medical device manufacturer, and that manufacturer sent you a letter describing the attributes of its product before you used it, your attorney will be very interested in seeing that letter. The letter may provide your attorney with an idea of the liability of the defendant, if any.

_____ **Any Other Document Relating to Your Claim.** This seems like an awfully broad category, and it is. Depending upon your specific case, there may be other documents that your attorney will be interested in seeing. For instance, if you first found out that you might have a claim against a pharmaceutical company after reading an article in a magazine, you might want to show that article to your attorney. It may not make a win-or-lose difference in your legal case, but it will provide your attorney with information about you and your history.