Contents

Preface vii

Part I: Patient Safety

Chapter 1: The Roots of Patient Injury 3
Patricia W. Iyer, MSN, RN, LNCC

Chapter 2: Where Have All the Nurses Gone? 43
Patricia W. Iyer, MSN, RN, LNCC

Chapter 3: Moving from Traditional Law and Medicine to Promote Safety and Effective Risk Management 59
Bryan A. Liang, MD, PhD, JD and Timothy Mackey, MAS

Chapter 4: Patient Safety Initiatives 77
Patricia W. Iyer, MSN, RN, LNCC and Susan Mellott, RN, CPHQ, FNAHQ, PhD

Chapter 5: Medical Errors: Roots of Litigation 141
Patricia W. Iyer, MSN, RN, LNCC and Peter I. Bergé, JD, RPA

Part II: Nursing Practice

Chapter 6: The Foundations of Nursing Practice 159
Patricia W. Iyer, MSN, RN, LNCC and Susan Egger, MSN, RN

Chapter 7: Nursing Documentation 181
Patricia W. Iyer, MSN, RN, LNCC and Sharon L. Koob, RN, BSBA, CPHRM, ARM

Chapter 8: Inside the Healthcare Environment 231
Judith D. Rottkamp, MA, RN, CNA

Chapter 9: The Intersection of Nursing and Employment Law 257
Thomas B. Lewis, Esq., Stephanie B. Camarda, Esq., and Mark F. Kowal, Esq.

Part III: Damages

Chapter 10: Pain and Suffering 265
Patricia W. Iyer, MSN, RN, LNCC

Chapter 11: Vocational Evaluations in Nursing Malpractice Cases 301
Irmo Marini, PhD, CRC, CLCP and Mark Lukas, Ed.D., CRC

Chapter 12: Life Care Planning 319
Mona Goldman Yudkoff, RN, BSN, MPH, CRRN, CCM, CLCP, Alisa Mintzer Dayanim, RN, BSN, MSN, CRRN, and Victoria Powell, RN, CCM, LNCC, CNLCP, CLCP, MSCC, CEAS

Chapter 13: The Role of the Forensic Economist in Nursing Malpractice Actions 331
Frank D. Tinari, PhD

Part IV: Litigation of Nursing Malpractice Claims

Chapter 14: Screening the Nursing Malpractice Case 345
David Cohen, Esq.

Chapter 15: The Plaintiff's Attorney's Perspective: Working Up a Case 365
Robert B. Buckalew, Esq., Tonia D. Aiken, JD, BSN, RN, and Diane Warlick, JD, BSN, RN

Chapter 16: Defense Attorney's Perspective: Working Up a Case 387
Peter A. Greene, Esq.

Chapter 17: View of the Actuary 403
Mindy M. Steichen, FCAS, MAAA and Peter G. Wick, FCAS, MAAA

Chapter 18: E-Discovery 413
G. Ann Geyer, Esq.

Chapter 19: Working with Claims Adjusters 427
Barbara Cohen, RN, MS, M.Ed., JD and Louise H. Hayes, Esq.

Chapter 20: Working with Legal Nurse Consultants 453
Patricia W. Iyer, MSN, RN, LNCC and Deborah D. D'Andrea, BSN, BA, RN

Chapter 21: Working with Nursing Expert Witnesses 523
Patricia W. Iyer, RN, MSN, LNCC, and Raymond Fleming, Esq.

Chapter 22: Demonstrative Evidence 559
Stephen Appelbaum, CEP, EPIC, Patricia W. Iyer, RN, MSN, LNCC, and John M. Parisi, Esq.

Chapter 23: Keeping the Jurors in Mind: Jury Research, Jury Selection, Themes, and Comprehension 609
Diane Wiley

Chapter 24: Crafting Effective Themes for a Nursing Malpractice Case 639
Sean J. Doolan, Esq., Monica M. Kenny, Esq., Nursine S. Jackson, MSN, RN, Samuel L. Davis, Esq., Douglas S. Grossbart, MD, JD, and Wendy Neggers, Esq.

Chapter 25: Trial Techniques 667
Kenneth F. Fulginiti, Esq., Samuel L. Davis, Esq., Helen Griff Chalier (formerly Weisgal), Esq., and Wendy Neggers, Esq.

About the Editors 709

About the Contributors 711

Index 717