

SAMPLE LETTER FROM LAWYER TO PHYSICIAN

November 18, 1997

PERSONAL & CONFIDENTIAL

Re:

Dear Dr. _____:

As you may recall, you were a member of the Medical Review Panel which reviewed the

above captioned case on _____. Attached is a copy of the Medical Review Panel opinion and reasons.

The trial in this case is currently scheduled _____. In the near future, you will be served with a subpoena to appear at trial. In an effort to determine how we may accommodate your schedule, please phone my office at _____.

Also please advise if you will need copy of the Medical Review Panel evidence.

With kindest regards,

Sincerely,

SAMPLE LETTER FOR RECORDS DEPOSITION

November 18, 1997

Medical Records Librarian

Re:

Dear Sir/Madam:

Please find enclosed a copy of a Notice of Deposition for the following:

1. Any and all records, including emergency room records, inpatient records, outpatient records, reports, tests and test results, consultant reports, admit sheets, histories, x-rays, x-ray reports, radiographic reports, electroencephalograms, lab reports, nurses notes, physicians notes and orders, charts, graphs, discharge summaries, operative reports, correspondence, and any and all other records including psychiatric records and materials pertaining to _____, Date of Birth: _____;

Social Security No.: _____:

1. Any and all other medical information which you have to date _____: and

1. Any and all billing and statements.

In the near future, you will be receiving a subpoena duces tecum in connection with this deposition notice. At this time we are seeking only medical records. If the records are received by this office no later than the _____ day of _____, 1999_, it is not necessary for you to appear for this deposition. We will gladly reimburse you for the reasonable cost of copying these records.

Thank you for your cooperation in this matter, and if you have any problems or questions, please do not hesitate to give me a call.

With kind regards, I am,

Sincerely yours,

AFFIDAVIT

STATE OF LOUISIANA

PARISH OF _____

BEFORE ME, the undersigned NOTARY, came and appeared:
who states as follows:

I am a licensed attorney who represents the defendants in the medical review panel claim entitled _____.

I have subpoenaed through the ___th Judicial District Court for the Parish of _____ the complete medical records of _____ from Dr. _____. Counsel for plaintiff was made aware of this request in correspondence dated _____.and was served via certified mail. See attached copies of correspondence, subpoena and Notice of Deposition.

Sworn to and subscribed before me this ____ day

of _____, 199_.

NOTARY

SAMPLE PHYSICIAN LETTER TO ATTORNEY

(ESTABLISHES A CONTRACTUAL BINDING AGREEMENT)

Physicians are often uncertain as to how to clearly communicate with attorneys regarding their designated roles in legal matters and how to secure advance payment of their fees for expert services.

Attorney's methods for establishing fees were utilized in this sample letter to assist physicians when communicating with attorneys about these matters. This type of letter may also establish a binding contractual relationship between the physician and the attorney if its terms are mutually agreed upon.

I have been notified that you are requesting my deposition regarding (case) on (date) at (place).

or

I have received a subpoena to appear in court regarding (case) on (date) at (place)

Please let me know of any cancellations or settlements as soon as possible. It is also understood that your office will notify me as far in advance as possible of an expected time for my appearance.

Please be advised that my standard fees for time spent giving expert testimony are:

Review of records (fee) per hour

Telephone conference (fee) per hour

Deposition (fee) per hour

Travel time (fee) per hour

Court time (fee) per hour

I would appreciate your agreement to these amounts by signing and returning this letter. By your signing this letter, I will look to you, the attorney, for payment of my fees, notwithstanding any relationship between you and your client.

If this subpoena is not for my expert testimony as a (type of specialist), but only to testify as a interpreter and witness of fact, as presented in the patients records without rendering a medical expert opinion, prognosis, etc. please indicate this below.

If subpoenaed to appear in court or for a deposition and arrangements are made in my schedule to be available, failure to give adequate notification of continuance or cancellation will result in an appropriate charge based on amount of time from practice.

I would appreciate you contacting me for any pretrial questions you may have to arrange a pretrial consultation in my office.

Cordially,

APPROVED AS A MEDICAL
EXPERT _____

APPROVED AS WITNESS FOR FACT
ONLY _____

* Individuals may wish to define this term.