

Computer Forensics in Medical Malpractice Cases

Evidence related to Medical Malpractice and Personal Injury Cases is increasingly digital, and failure to consider this Electronically Stored Information (ESI) can compromise your case.

Is the smoking gun evidence in your Med Mal case digitally stored? Chances are, it is.



Consider these scenarios....

Suicide.

A patient under treatment for severe depression commits suicide. Text messages from the patient's cell phone during his final hours seem to speak to his state of mind, as he struggles with a confusing array of prescribed medicines. Could these text messages help prove a case against the prescribing physician who is accused of botching the patient's treatment?

Altered Electronically Stored Medical Records.

A patient dies suddenly from a dangerous drug interaction. Causation points to a doctor who failed to observe the warnings in the patient's electronic records. The doctor deleted evidence from his iPad to cover his tracks...but computer forensics investigators recovered the deleted evidence.

Automobile Fatality.

The driver veered off the road, striking a parked truck, killing the driver instantly. A smashed smart phone recovered from the scene raises questions. A computer forensics exam of the phone indicates the driver was surfing his "Pandora" music app in the moments before the accident. This evidence dramatically reduces the settlement offer.

Child Fatality / Medical Device.

A six year old child suffering from Type 1 Diabetes dies in her sleep. A mobile glucose monitoring device that is designed to sound an alarm if the patient's glucose levels falls fails to send the potentially life-saving text message to her sleeping parents. Death by natural causes - or a faulty device? Computer Forensics can answer this question.

Digital Video Recordings.

A catastrophic explosion kills two employees at an oil refinery. The root cause is unknown. Accident investigators from the insurance company recover a badly damaged Digital Video Recorder (DVR) camera system in the rubble of the site. Digital evidence recovered from the DVR's hard drive shows the employees smoking in a fume-filled non-smoking area immediately prior to the explosion. The no-smoking sign is in plain view on the video recording. Can this digital evidence help mitigate the claim?

Private Jet Crash.

A private jet mysteriously crashes in the California desert, killing the pilot and the jet's owner / passenger. The dead pilot's insurance company blames faulty maintenance, but service records recovered from a mangled laptop found in the wreckage of the jet indicate a meticulously serviced airplane. Pilot error is determined as the root cause.

Computer Forensics experts at 4Discovery can help you find the digital evidence that can be critical to your next case.

**Call us today to find out how.
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