



Laurence Deutsch says simplicity is key when delivering medical-malpractice arguments.

Less is more in med-mal cases

Laurence M. Deutsch, The Laurence M. Deutsch Law Firm, P.C., New York

By Julie Bratvold

Retroperitoneal liposarcoma ...
Arnold-Chiari syndrome ...
biotinidase deficiency.

These are just a few of the ailments suffered by recent clients of New York-based attorney Laurence Deutsch. Sure, they're not easy to pronounce, but imagine having to explain them to a jury.

Over the past 15 years, Deutsch, who focuses almost entirely on med-mal litigation, has repeatedly faced the challenge of teaching juries who don't know a disectomy from a dislocation. It's difficult enough to convince a jury that your arguments make the most sense, but Deutsch and all med-mal attorneys must present those arguments without overwhelming the jury with medical jargon. The good news is that Deutsch's experi-

ence has shown that even the most complicated case can be boiled down to two or three main points. He says the key to explaining a complex case to a jury is to concentrate on those aspects.

"You need to reduce it to the core elements," Deutsch says. "Even if there are 20 departures, define the most important ones, and pick your best two."

Deutsch recalls a case of a lupus patient who claimed that she had received years of substandard treatment that led to many complications. It was a prime example of a case with many moving parts. However, rather than dwell on the details, Deutsch focused on two key claims: that the patient was overprescribed and undermonitored.

"A classic beginner's mistake in medical malpractice is trying to do too much," Deutsch says. "You need to stick with your theme."

Of course, the first step in explaining a technical case to a jury is to fully understand it yourself. But after dozens of late nights scouring medical journals researching a case, it can be easy to get too technical in front of the jury, Deutsch says. That's why he likes to enlist the help of a close friend or family member on the eve of the trial.

"I'll try to explain the case to my wife and present the facts as I would to a jury," Deutsch says, adding that test-driving arguments with her helps identify the points that need greater detail and those that are extraneous.

Like most attorneys, Deutsch also utilizes props and diagrams. Sometimes all it takes is a picture for the jury to "get it," he says. He remembers one cancer

case in which a mere illustration of his client's tumor had the strongest effect on the jury. "It helped to make the injury real," he says.

Conversely, Deutsch warns that using too much medical jargon can have the opposite effect. "It doesn't help to go into detail on the terms," he says. "With the short attention span of jurors, you don't want to lose them. It's good to be brief in all aspects of the trial."

Deutsch adds that while diagrams and medical experts are certainly important, one of the most significant elements in arguing any case—complex or simple—is to do so with passion.

"You need all the substance, but don't lose sight of the fact that [the jurors] aren't going to get it all," Deutsch says. "So it never hurts to argue the case with passion and convey that to the jury."

The brief on Laurence Deutsch

Education:

J.D., University of Chicago Law School

Karate kid:

Deutsch holds a third-degree black belt in karate, and he uses that experience in court. "It's helped me—not in the being aggressive part—but actually in staying calmer in the moment," he says.

Keeping healthy:

Deutsch paces his research and preparation time over a long period, so that he isn't too worn out when it's time for him to face the jury. "Sometimes that extra hour of studying the night before trial might not help," he says. "You have to watch yourself physically. You don't always have to burn the midnight oil."

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VERDICT *of the* WEEK

Slips, Trips & Falls

Train rolled over woman who fell onto track

Defense Verdict

Yi v. New York City Transit Authority

New York County Supreme Court

Plaintiff's Attorney David Dean, Sullivan, Papain, Block, McGrath & Cannavo, P.C., New York

Defense Attorney Joseph F. Sullivan, Sullivan & Brill LLP, New York

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