## Chapter 2 Anatomy of a Lawsuit

MULTIPLE CHOICE. Choose the one alternative that best completes the statement or answers the question. 1) A lawsuit has been filed against the hospital for terminating an employee for excessive tardiness and absenteeism. The defendant's attorney has contacted nurses who worked with this employee to testify in the case. Which statements would best support the defendant's case? Note: Credit will be given only if all correct choices and no incorrect choices are selected. Select all that apply. A) "The employee called in sick on several consecutive Fridays." B) "I didn't work the same shift." C) "She was never late or absent during the 6 months I worked with her." D) "Her absences affected the work flow on our unit." E) "She often asked me to cover for her while she took her kids to school." 2) A nurse is served with a summons alerting him that he has been named in a malpractice lawsuit. What information can the nurse learn from this summons? Note: Credit will be given only if all correct choices and no incorrect choices are selected. Select all that apply. A) Expected length of the trial B) Names of any other defendants in the case C) Breaches in standards of care, injuries, or damages alleged by the defendant D) Name of the plaintiff in the case E) Date to appear before the court 3) A lawsuit is filed against a nurse's action in the clinical setting. In which case might a default judgment be entered? A) The plaintiff did not respond to the complaint. B) The defendant did not respond to the complaint and would otherwise have been shown to have liability. C) The defendant did not respond to the complaint. D) The plaintiff did not respond to the complaint and would otherwise have been shown to have liability. 4) The attorney for a nurse named in a malpractice case recommends that the case go to a prelitigation panel. What rationale would the attorney offer the nurse for this recommendation? A) Questioning of witnesses is not conducted under oath and is more informal. B) These panels ensure that there is a controversy or fact question for the court. C) Using such a panel negates the need for a full jury trial. D) Such panels shorten the time between filing and conclusion of the lawsuit. 5) A nurse named in a malpractice case may wish to avoid the expense of a trail by going to arbitration. What is another rationale for the nurse to use this process? A) Arbitration is not binding, so if the parties do not like the outcome, nothing is lost.

B) Witnesses do not testify under oath and are easier to obtain.C) There is no formal record made of the arbitration process.

D) There is no need to have attorney representation.

6)	) Depositions will be taken of witnesses in a wrongful termination suit filed against the hospital by a		
	former employee. Which information should the attorneys provide to the witnesses that will be	-	
	deposed?		
	Note: Credit will be given only if all correct choices and no incorrect choices are selected.		
	Select all that apply.		
	A) The deposition will be taken in a courtroom with a judge in attendance.		
	B) The witness may refer to notes during the disposition.		
	C) The testimony provided is sworn testimony.		
	D) Once the testimony is recorded, no changes can be made to the record.		
	E) Witnesses being deposed will be questioned by their attorney.		
7)	A nurse has agreed to participate in a videotaped deposition in a malpractice case. What is the	7)	
	impact of this nurse's agreement?	')	_
	A) The nurse's testimony can be presented in court, even though the nurse is unavailable for the		
	trial date.		
	B) The plaintiff's attorney believes the nurse is a liability for personal trial appearance, but will		
	be credible on tape.		
	C) The nurse is testifying as an expert witness.		
	D) The nurse states that testimony will adversely affect employment opportunities.		
	2) The harve states that testimony will adversely allost employment opportunities.		
g١	Which person would <i>best</i> qualify as an expert in a nursing malpractice case filed because of failure	8)	
-	of a postanesthesia care unit nurse to recognize the early signs and symptoms of respiratory arrest?	· —	_
	A) The director of nursing at the hospital who holds an MSN in nursing administration		
	B) The director of clinical pharmacy who holds a doctoral degree in clinical pharmacology		
	C) A staff nurse who works on the general medical unit and has recently earned a BS in nursing		
	D) A critical care nurse who holds a BS in nursing and certification from the American		
	Association of Critical Care Nurses (AACN)		
	, 1000014110.1. 0. 10.11041 0410 (1 th 1011)		
9)	Which statement best describes the rule regarding expert testimony in nursing malpractice cases?	9)	
′)	A) Expert testimony is always required in nursing malpractice suits, and the injured party	<i>''</i>	_
	cannot win his or her case without expert testimony being presented.		
	B) Whether expert testimony is needed is decided on a case-by-case basis after analyzing the		
	facts of the case.		
	C) The jury is permitted to decide, based on all the evidence submitted, whether expert		
	testimony is needed.		
	D) Expert testimony should be presented whenever there is reason to suspect that the jury will		
	decide in favor of the injured party if expert testimony is not presented.		
10)	A nurse has been called as a lay witness in a malpractice lawsuit. What information should be	10)	
	provided to the nurse regarding this testimony?		
	Note: Credit will be given only if all correct choices and no incorrect choices are selected.		
	Select all that apply.		
	A) The testimony should include opinion on the appropriateness of care provided.		
	B) The lay witness must have a direct connection to the case.		
	C) These witnesses tell only what has transpired from their perspective.		
	D) Lay witnesses may answer hypothetical questions for the jury.		
	<ul><li>E) Lay witnesses testify to what others have said about the incident under question.</li></ul>		

1) The nurse is involved as an expert witness in a civil court case where life support was withdrawn			
and the patient expired. Which level of evider	·		
A) Preponderance of evidence	B) Clear and convincing evidence		
C) Voir dire evidence	D) Evidence beyond a reasonable doubt		
12) Criminal charges have been brought against a a child's death. Which level of evidence is expe	nurse who made a medication error that resulted in ected in this case?	12)	
A) Clear and convincing evidence	B) Preponderance of evidence		
C) Evidence beyond a reasonable doubt	D) Discovery evidence		
13) A nurse has been called to testify in a malprac	tice lawsuit. Which information should the attorney	13)	
provide to the nurse about the process of cross-examination?			
<ul> <li>A) Cross-examination allows the nurse to a</li> </ul>			
· · · · · · · · · · · · · · · · · · ·	explain the meaning of the nurse's testimony.		
C) Cross-examination is a process to ensure			
D) During this process, opposing counsel w	ill try to refute the nurse's testimony.		
14) A patient has filed a lawsuit alleging that negligence by a nurse resulted in permanent injury to h			
legs. At trial what is this person's burden of pr			
Note: Credit will be given only if all correct choice Select all that apply.	s and no incorrect choices are selected.		
<ul> <li>A) That the nurse intended to injure the pat</li> </ul>	ient		
B) That the incident caused the plaintiff's ir	njury		
C) That the plaintiff recognized the injury v	vithin days of discharge		
<ul> <li>D) That the alleged incident actually occurr</li> </ul>	ed		
E) That the nurse being charged was impro	perly trained and supervised		
15) A nurse has agreed to serve as an expert witner concern?	ess in a jury trial. What is this nurse's major ethical	15)	
A) To make a logical and fair decision at tria	al		
B) Ability to stay objective and unbiased du	uring court proceedings		
C) Fulfilling the obligation to "fill in the bla	nks" in the medical record		

D) To explain that unexpected outcomes sometimes occur in health care

## Answer Key

Testname: UNTITLED2

- 1) A, D, E
- 2) B, D, E
- 3) C

- 4) B 5) C 6) B, C 7) A 8) D

- 9) B
- 10) B, C
- 11) B 12) C
- 13) D
- 14) B, D
- 15) B