

A TEACHING RESOURCE FOR PSYCHIATRY RESIDENTS

VIEW FROM THE JURY BOX:

Clark v. Stover

A Psychiatric Malpractice Mock Trial

THE LITIGATION PROCESS

ANSWER

The Answer is a formal written response by the defendant to the allegations in the Complaint. The defendant serves the Answer on the plaintiff and files it with the Court. In the Answer the defendant denies in part or in whole the plaintiff's allegations, asserts his or her affirmative defenses, and states a request for relief.

RISK MANAGEMENT TIPS

Do not attempt to file an Answer on your own. Your defense attorney will do this.

Do not contact either the plaintiff directly or his/her attorney. Be aware that any information imparted to anyone except your defense attorney and professional liability insurance company representative can be used against you later and/or may form the basis of a breach of confidentiality suit.

Do cooperate with your assigned defense attorney. The defense attorney represents you, not the insurance company, and is legally and ethically bound to represent your best interests.

