

Charity (00:00):

Welcome back to INsight. I'm here with Dave Farnbauch from Sweeney Law Firm. We're going to update you now on a case that we've talked about before, against the VA. About a year and a half ago, there were a number of news reports about cases that you filed against the VA in connection with surgeries performed by the podiatrist Dr. Bradley Hammersley. So update us on the cases against Dr. Hammersley.

David Farnbauch (00:23):

Well it's true Charity, we have talked before on INsight and actually had some of our clients who were patients that Dr. Hammersley on INsight. A lot of has transpired in the last year and a half. I would say the first year of the case, we spent a lot of time and it's not just our firm, there are I believe 11 or 12 other lawyers that have cases arising from Dr. Hamersley's care. The first year we spent a lot of time in the court system litigating the issue of the statute of limitations, because a lot of this care was provided back in 2012, 2013, 2014 timeframe. We had to sort of work through the statute limitations issues. So now I'm still dealing with the statute of limitations on a small percentage of the cases, but most of the cases are going to survive a challenge on the statute of limitations grounds. And we're now getting into the substance of the claim, was there a malpractice, and what are we going to try to do in the court system to get these cases resolved or get them set for trial? So that's where we're at right now.

Charity (01:39):

So I think this is a good example of how it works. People think, well I have an issue against this physician, shouldn't it be a quick and easy thing. It's a process right?

David Farnbauch (01:51):

Right. The reality of medical malpractice litigation, whether you're in the federal courts or whether you're in the state courts, it doesn't matter. Medical malpractice cases are complex and they take a lot of time. For example, right now we represent a total of 30 victims of Dr. Hammersley. And we're having to have those cases analyzed by an expert witness, and with that many cases that's a very daunting task to go through thousands of pages of medical records. So these cases take a while, but what's encouraging is we are moving those cases through the federal court system. We hope to get a significant percentage of those cases resolved here, hopefully in the next 12 months, and try to get some justice for these veterans who trusted the VA to provide quality medical care.

Charity (02:48):

This case I believe too is another example of how, you can correct me if I'm wrong, is the case in medical malpractice not usually just a single instance? In Dr. Hammersley case, you have multiple cases against Dr. Hammersley.

David Farnbauch (03:07):

Right. One of the interesting things that's come out since we've gotten involved in this case is the fact that the government, the VA itself, did a very comprehensive investigation of Dr Hamersley's care. And we've gotten our hands on some of those documents and they analyzed over 400 surgical cases that were done by Dr. Hammersley. And they determined that the figure was somewhere around 125 or 130 of those surgical cases were below the standard of care. That tests was it in compliance with the standard of care. I have to give the VA credit that they very aggressively had these cases analyzed by other podiatrists to determine whether Dr. Hammersley met the standard of care.

Charity (03:57):

If somebody believes there has been an incidence of medical malpractice, they have any questions, it's just as simple as calling you to start the conversation, right?

David Farnbauch (04:06):

Yup, that's what we do.

Charity (04:08):

It's that easy! Just give them a call today. They'll at least talk you through it. If you don't know, we don't, know they're the experts, we're not. So just give them a call today at 420-3137 and let them talk you through it. It's better to know the answer than to wonder if indeed that was the case. We'll be right back.