



WILLIAMS | ELLEBY

PERSONAL INJURY • WRONGFUL DEATH

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Products Liability · Malpractice

What is Legal Malpractice?

Legal malpractice occurs when an attorney fails to exercise reasonable care, duty, or diligence, which results in a client suffering damages. These cases are unique in that claims require elements such as:

- 1 The existence of an attorney/client relationship
- 2 Failure of the attorney to exercise ordinary care, skill and diligence
- 3 The lawyer's negligence was the proximate cause of damage to the plaintiff

What is Medical Malpractice?

In order for a doctor to be liable for malpractice, he or she must breach the "standard of care." This means that doctors must exercise such reasonable care and skill for their patients as is ordinarily employed in the medical profession under similar conditions and circumstances. In cases arising in Georgia emergency departments, plaintiffs must prove gross negligence by clear and convincing evidence. Medical Malpractice cases include:

- Anesthesiology Errors
- Delayed Diagnosis of Cancer / Infections
- Obstetrical Errors / Birth injuries
- Surgical Errors
- Bedsores
- Abandonment
- Foreign Objects left in Body
- Nursing Home Negligence
- Battery (Intentional Acts or Unauthorized Treatment)
- Misdiagnosis
- Medical Errors
- Failure to Report Child Abuse

Other Malpractice Examples:

- Audiologists
- Marriage & Family Therapists
- Professional Counselors
- Certified Public Accountants
- Occupational Therapists
- Professional Engineers
- Chiropractors
- Optometrists
- Psychologists
- Clinical Social Workers
- Osteopathic Physicians
- Radiological Technicians
- Dentists
- Physical Therapists
- Respiratory Therapists
- Dietitians
- Physicians' Assistants
- Speech-language pathologists
- Land Surveyors
- Podiatrists
- Veterinarians



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What is Products Liability?

Products liability typically stems from product manufacturers looking for the cheapest and most expedient way to get their products on the market. In Georgia, products liability cases come in many forms but are generally classified as either:

- Manufacturing Defects
- Design Defects
- Breach of Express or Implied Warranties
- Failure to Warn
- Failure to Adequately Test and Inspect

Where are Defective Products Found?

Defective Motor Vehicles:

One of the most common and deadly defective products is a motor vehicle. Defects in motor vehicles have been known to lead to catastrophic and deadly injuries. This includes defects such as:

- Seatbelt failures
- Airbag failures
- Roof crush
- Seat back failures
- Ignition switch defects
- Faulty tires
- Defective automatic transmissions
- Post collision fuel-fed fires
- Rollovers
- Unintended acceleration

Defective Child Products:

Some of the most tragic product liability cases involve defective children's products. Defective child products can include but are not limited to:

- Cribs
- Strollers
- Car seats
- Magnetic toys
- Baby slings
- And more



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