

MONTANA MEDICAL LEGAL PANEL

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General Information for Representing Yourself

The Panel is an informal venue, but it is a very traditional and polite place where a certain demeanor (way of acting) is expected. When you are representing yourself, you are trying to persuade a Panel that you are right. You must act and speak in a way that helps you with your case. Below are suggestions that may assist you in staying organized, meeting deadlines, and being prepared.

Before You Begin

- 1) Designate a notebook and folder to hold all of your records and forms and to record all of the activities related to the case.
- 2) Keep all of your papers and case related documents in one place and organized.
- 3) Keep track of all conversations you have with others regarding your case.
- 4) Read and understand the Montana Medical Legal Panel Rules of Procedure.

Preparing Your Forms

- 1) Make sure you have chosen the correct forms for your case.
- 2) Make sure that all of the required information is attached to the forms and documents.
- 3) Make photocopies for your own records.

Expert Consultation

- 1) You may request an expert consultation from either a physician or dentist within four (4) weeks of submitting your claim. This request must be in writing and sent to the Panel.
- 2) The consultant may require payment of a reasonable fee.
- 3) Communications between you and the Consultant are confidential, unless that privilege is waived by you.

Preparing For the Panel Hearing

- 1) Choosing to represent oneself is a big decision. In many matters it may be best to get some legal advice ahead of time from an attorney so that you are sure you are doing the right thing, and are prepared for the hearing. If unsure, or afraid of the process, it may be best to seek the help of an attorney for the entire process.
- 2) Dress professionally, as you would for an important event. This means that your clothing should be neat and clean, and that you are well groomed.
- 3) Do not bring your children to the hearing.
- 4) Do not chew gum.
- 5) Look over the forms and materials you are going to present. Make sure they are filled in accurately and completely and that you have made the proper number of copies for the Panel.
- 6) If the opposing party, or his or her attorney, requests case related information from you, you must comply. This process is called Discovery, and it must be followed. It is necessary for parties to honestly share particular material with one another.
- 7) **All witnesses must be present.** Verify that those people you wish to serve as your witnesses will be available at the time of your hearing.

- 8) Be sure to bring with you the notebook in which you have recorded all the related events, as well as the folder with all the case-related documents. You should plan to bring paper and a pen to take notes. It also is very helpful to make notes before you come to the hearing so you know exactly what you want to say. There will not be a transcript made. You may need to prepare other necessary documents after the hearing.

The Panel Hearing

- 1) ***BE ON TIME!*** Montana law states you must be present and shall make a brief introduction of the case, including a brief statement of the facts constituting the alleged professional malpractice you are prepared to prove. If you are late, your case might be postponed to another date or dismissed entirely. You also could have an unfavorable ruling made against you if you are not there to defend your case.
- 2) As soon as you arrive check in with Panel staff. This will allow the staff to advise the Parties and Panel members that all parties are present and prepared to proceed.
- 3) You must be respectful to everyone. This includes the Panel, Panel staff, the other party involved in your case, witnesses, and any other people in the area.
- 4) Do not use profanity, argue, or verbally react to answers given by the Panel, opposing party, or attorney. You will have your turn to speak.
- 6) The Panel cannot speak to you about your case except when your case is in hearing and when the other party is there. Staff can help you with questions such as when your hearing is scheduled, or if you are in the right room, but they cannot give you legal advice or recommendations about what you should do.
- 7) Always be polite to Panel members, opposing counsel, and Panel staff, and be prepared to provide any information they may request from you.

Helpful Tips

- 1) Always Remember **The Four Ps:**
Professionalism - Punctuality - Politeness - Preparation
- 2) Be sure to provide the Panel with changes to your address or phone number.
- 3) Respond to notices and correspondence within the time deadlines.

After the Hearing

- 1) At the conclusion of the hearing, the Panel may take the case under advisement or may request that additional facts, records, witnesses, or other information be obtained.
- 2) Understand that the deliberations of the Panel are confidential.
- 3) You will receive a post panel survey form that should be completed to the best of your ability. It asks if post panel action was taken such as filing in District Court, or if you reached a settlement with the health care professional. Please complete it and return it to the Panel office.