



Boston Law Group, LLC

2026 OFF THE PRESS VOL 15/ISS 3

Things To Do For March

7th: Harlem Globetrotters at Capital One Arena

12th: Garden Party at the National Gallery of Art (FREE but registration is required)

13th -15th: Awesome Con (DC's Comic Con) at the Convention Center

20th : The National Cherry Blossom Festival Begins

23rd : Nats Home Opener vs. the Orioles

27th & 29th : NCAA East Regional Finals at Capital One Arena



301-850-4832



www.bostonlawllc.com



9701 Apollo Drive, Suite 100
Largo, MD 20774



facebook.com/mdmedmal



Keep In Touch
With Us



Why Some HIE Cases Are Harder To Prove

by: Marcus B. Boston, Esq.

For families navigating an HIE brain injury diagnosis, the legal path can feel confusing. A common point of uncertainty arises when different attorneys review the same medical records and reach opposite conclusions. One lawyer may decline the case, while another might pursue it. Understanding this disparity is key to managing expectations.

Proving Breach and Causation

The severity of a child's injury does not automatically equate to a viable legal case. These cases hinge on a specific legal proof: that healthcare providers deviated from the accepted standard of care and that this deviation directly caused the brain injury. This requires qualified medical experts who are not only willing to support this view but can also persuasively explain it to a jury.

Why Some HIE Cases Are Harder to Prove Than They Seem

Attorneys may consult different experts or interpret their opinions differently. Their own experience with how juries decide these complex cases also shapes their analysis. Decades of data show juries often side with doctors, even in close cases. The burden of proof is high, and when opposing experts seem credible, juries frequently grant physicians the benefit of doubt. This is why some HIE cases are harder to prove than they seem.

The Critical Role of Expert Testimony

When a lawyer declines a case, it is often due to expert issues. There may be insufficient support, conflicting opinions, or concerns about presenting the medicine clearly. This does not mean the injury is not profound. It reflects the harsh demands of the legal system. Another lawyer with access to different experts might assess it differently, which is why seeking a second opinion is often wise.

The financial and emotional weight of these cases is immense, with costs often reaching hundreds of thousands of dollars. This rigorous filter explains why some HIE cases are harder to prove than they seem. It is not about heartbreak, which is all too real, but about the formidable challenge of meeting a very high legal standard.



FAQ

We were recently asked , “how do we choose which cases to accept.” The short answer is, “it’s not an easy decision.” The longer answer is, “it takes a while to determine which cases to investigate.”

For example: let’s say we receive 10 calls for injuries in one month: four of the calls will probably be rejected immediately due to legal requirements, such as lack of damages or expiration of the statute of limitations. Two more of the calls will be from jurisdictions or practice areas which we do not handle. Of the remaining 4 calls, we will request that the family provide any medical records, if they have them. If they do not have the medical records, we will send out a release of protected health information by the family so that we can obtain the records on their behalf.

Once the medical records are received by us, the first step is for us to review them to determine if we can see any deviations from the standard of care. This means can we see information notated in the records that medical staff performed or failed to perform within the medical approved standard. Two of the remaining calls will probably not contain any deviations.

Of the remaining two calls, we may see potential deviations from the standard of care. At that point, we will send the records to a designated expert in the offending practice (ex:obstetrics or neonatology) area for review. Of the two, usually only one will receive clearance from the expert.

It is not that we do not want to help everyone, but if we are unable to make (or even bring) the case legally, our hands are tied.



5 OF THE BEST SPRING BREAK DESTINATIONS FOR 2026

This list is according to Southern Living Magazine.

Amelia Island, FL

North of Jacksonville, this area is off the beaten path from the regular spring break crowd. This area could be perfect for multi-generational families and offer a relatively quiet escape.

Charleston, SC

It may be too chilly to hang out at the beach, but the food in this Southern city is very tasty and there is plenty of history to take in.

Bluffton, SC

It’s probably too chilly for water activities, but the family can gather and sightsee by day and sit by a campfire at night. There are many outdoor activities.

Naples, FL

With expected 70-80 degree temperatures, families can expect to spend most of their vacation times outdoors and pool/beach side.

For the passport crew:

Costa Rica

A growing hotspot for beaches and rainforest adventures alike, spring break is perfectly timed towards the end of the country’s dry season.

Taco Soup



Ingredients

- 2 pounds ground beef
(or 1.5lbs of shredded cooked chicken breast)
- 1 envelope taco seasoning
- 1-1/2 cups water
- 1 can (16 ounces) mild chili beans, undrained
- 1 can (15-1/4 ounces) whole kernel corn, drained
- 1 can (15 ounces) pinto beans, rinsed and drained
- 1 can (14-1/2 ounces) stewed tomatoes
- 1 can (10 ounces) diced tomato with green chiles
- 1 envelope ranch salad dressing mix
- Optional: Sour cream, shredded cheese and green onions

Directions

1. In a Dutch oven, cook beef over medium heat until no longer pink, breaking it into crumbles; drain.
2. Add taco seasoning and mix well.
3. Stir in the remaining ingredients.
4. Bring to a boil. Reduce heat; simmer, uncovered, for 15 minutes or until heated through, stirring occasionally.
5. Garnish with sour cream, cheese and green onion (if you like).

BOSTON LAW GROUP, LLC

Disclaimer:

This publication is not intended to provide any legal, nor medical advice, nor does it create an attorney-client relationship. Each and every case is different. To consult the attorneys of Boston Law Group, LLC regarding a birth injury case, please call 301-850-4832.

Communication Policy: The attorneys of Boston Law Group, LLC generally do not accept unscheduled phone calls. This allows us to focus our time and attention on individual cases, which creates greater quality legal service. To schedule an appointment, please email: info@bostonlawllc.com.

FOLLOW US AT

