

OBSTETRIC MALPRACTICE AND BIRTH INJURIES

BY COLIN PETERSON

In the complex legal world of medical malpractice, birth injury cases are among the most challenging. The complexity of these cases is largely a consequence of the collaborative way obstetric care is provided and the catastrophic injuries that can result from negligent obstetric care. Despite the challenges, Robins Kaplan LLP dedicates itself to representing families of injured children and using the law to make a real difference in the lives of those who need it the most.

Safe labor and delivery care depends on a properly organized system made up of competent health care providers. During labor and delivery—when the stakes are highest—the safety of the mother and baby is the shared responsibility of the delivery team. Coordination, communication, and quality care among multiple providers, including labor and delivery nurses, midwives, physicians, anesthesia, the surgical team, the resuscitation team, and others, is critical.

Any breakdown in this complex and collaborative system poses a threat to patient safety. When patient safety is jeopardized during labor and delivery care, the consequences can be tragic. Some birth injuries are unavoidable, but too often they result from preventable failures of individuals and health care systems.

When a birth injury occurs as a result of medical negligence, the specific failures are not always immediately apparent. Human error, communication breakdowns, or substandard policies and procedures can all contribute to adverse outcomes. Because of the collaborative nature of labor and delivery care, the negligence will often involve multiple providers at different points in the process. As a result, every aspect of the care must be thoroughly reviewed when evaluating a birth injury claim.

Even if negligence can be identified, causation often proves to be the greatest challenge in the case. The difficulty establishing the cause of a birth injury is a consequence of the complex interplay between maternal and fetal factors during pregnancy, the need to use multiple experts from various fields of medicine to piece together the chain of causation, and a host of literature published by medical organizations meant to cast doubt on the causes of birth injuries. Firms must spend considerable resources to ensure a causation theory can withstand the inevitable attacks from the defense.

In any medical malpractice claim, the odds are stacked heavily against the plaintiff. Birth injury cases in particular are difficult to pursue because the significant damages involved correspond with the likelihood of costly litigation. Defendants facing these levels of financial exposure defend cases aggressively and on all fronts—standard of care, causation, and damages. It is always an uphill battle, but a battle that is worth fighting.

At Robins Kaplan LLP, we have over 50 years of experience evaluating, litigating, and successfully resolving some of the most complex birth injury cases in the country. We are able to leverage our unique position as a plaintiff's medical malpractice group within a large national firm to pursue these cases despite the risks involved. When clients come to us after their child has suffered a devastating birth injury, we draw upon our unique experience, insights, and resources to provide these families with the answers they seek and the justice they deserve.

We overcome the challenges inherent in birth injury cases by careful case evaluation and a team-centered approach. Our medical malpractice group consists of experienced attorneys who work with in-house registered nurses, an Obstetrician/Gynecologist, a

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forensic pathologist, and knowledgeable support staff. Our team members are involved in national organizations focused on birth injury litigation and obstetrics. The reputation we have developed allows us to establish relationships with experts across the country at the top of their fields. We put all of our resources to bear in cutting through the complexity of birth injury cases and present the strongest possible case for our clients.

Children who sustain birth injuries due to medical negligence often require millions of dollars in lifetime care and assistance. A medical malpractice case is typically a family's only chance to get the resources they need. Our work in this area over the past several decades has helped shape the legal environment and remove the barriers that historically prevented parents of injured children from getting the full amount of compensation they deserve.

In just the past few years, our team has resolved several multi-million dollar birth injury cases across the Midwest. The financial resources that we have helped our clients obtain will ensure that their child will receive the best care money can buy while living as independently as possible.

Though we can't turn back the clock and prevent these injuries from happening, we can provide hope and security for families as they move forward past these tragic events. It is a privilege to do this work.

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