



Fighting for Patient Rights

We all trust our doctors and surgeons to make the right decisions, whether it's in the emergency room, during surgery or at our family physician's office.

But sometimes they make mistakes. Sometimes those mistakes could have been prevented, and sometimes they're the result of medical negligence.

Have you or a family member been harmed by a medical mistake that resulted in a catastrophic personal injury, wrongful death, paralysis or other problems? It may have been medical malpractice. You could be entitled to compensation.

Doctors and other health care providers face major time and financial pressures. Sometimes they fail to do what they should. Sometimes they make mistakes, such as misdiagnosis of a condition or medication errors.

As a result, you and your family could face terrible medical and financial consequences.

Your quality of life can be permanently reduced. You might need to take time off to care for a loved one. You might miss work while being treated for conditions caused by medical negligence or failure to diagnose. You could face higher medical bills.

Worst of all, a family member might lose their life or someone could be permanently injured.

Birth injuries can lead to a lifetime of medical problems. Retained foreign bodies — sponges, surgical tools or other items left inside a patient due to surgical mistakes — may require new surgery to remove. Off-label uses of drugs can lead to dangerous side effects.

Anesthesia malpractice can happen before, during or after surgery and can lead to serious medical problems, including brain injury.

Hospital negligence — including preventable mistakes, such as patient falls leading to head injury or traumatic brain injury (TBI) — is a serious risk.

From the OB/GYN's office to urgent care clinics to the ER, our health care system still suffers from too many preventable mistakes. While doctors and hospitals are insured against these mistakes, patients are not.

And no insurance can reverse the effects of medical mistakes. A skilled lawyer can help.

Medical malpractice attorneys prepared for complex cases

Medical malpractice cases can be complicated. They frequently require the lawyers involved to understand the details of medical conditions and surgical procedures, and be able to pin-point how malpractice occurred.

Ward and Smith's personal injury lawyers are among the best equipped in North Carolina for these complex

cases. Our attorneys have handled numerous medical malpractice cases across North Carolina, including patients harmed in places ranging from the state's best academic medical centers to local doctors' offices.

Our lawyers take a team approach to every case. That means a knowledgeable attorney is ready to provide advice, advocate for you and your family, and drive your case forward. Your attorney is backed by a support team of licensed paralegals, certified litigation technology specialists and others.

Because Ward and Smith is a large multi-disciplinary law firm, our personal injury lawyers can also call on attorneys who can help you with health insurance disputes, estate issues and the like.

Our lawyers have the financial resources to fight lengthy, complex cases from the initial investigation through jury trial. If you're presented with a potential settlement, our attorneys will review it closely and help you negotiate the best possible outcome — whether that's accepting the settlement or going to court to fight for the full compensation you're entitled to.

Medical negligence can throw your life and your family's lives into chaos. Sometimes, tragically, malpractice leads to a loved one's death.

Don't face this complicated, stressful situation alone. An experienced attorney can help you understand your options and stand up for you and your family.

Medical/Legal Malpractice: Representative Experience

Past results are no guarantee of future results. The summaries are not intended to indicate or guarantee that any of the same or similar results can be achieved in future matters; the outcome of a matter depends upon a number of factors. These summaries are intended only to provide general information about the experience of our attorneys. Summaries are drawn from 1992 through the present.

\$200,000 Settlement for Mismanagement of Medication

An 82-year-old woman was hospitalized due to dehydration. During the hospitalization, she became very disoriented and experienced hallucinations as the result of an adverse reaction to a medication.

Although the medication was discontinued, a nurse erroneously administered the treatment again. The patient was later found lying on the floor complaining of severe upper extremity pain. She fractured her humerus, which required extensive surgical reconstruction and incurred more than \$50,000 in medical expenses. The case was settled before filing a lawsuit; the woman was awarded \$200,000.

\$500,000 Settlement for Erroneous Laboratory Results

A 32-year-old female underwent a biopsy of the left breast to determine whether a 6-centimeter cyst was malignant. She underwent general anesthesia with the understanding that if malignancy existed, the surgeon was given permission to go ahead and perform a mastectomy.

During the procedure, the surgeon removed the breast tissue for the pathology. The pathologist, using the frozen sections, misdiagnosed the cyst as malignant. Based on this information, the surgeon removed the woman's left breast. The pathology of the permanent sections revealed, however, that the cyst had not been malignant. The patient incurred an estimated \$20,000 in medical expenses for corrective plastic surgery. The Halifax County case settled for \$500,000.

\$510,000 Settlement Against Hospital and Surgeon

A 52-year-old married male with two children died shortly after surgery. The surviving family claimed that the surgery was performed incorrectly and that nurses failed to properly perform their duties. Both the surgeon and the hospital denied these claims. The case was settled before filing a lawsuit, and the victim's family received a settlement for \$510,000.

\$650,000 Settlement for Neglecting Patient's Treatment

A 50-year-old mechanic was admitted to a local hospital on Christmas Eve for abdominal pain. The man was diagnosed with pancreatitis and placed in the intensive care unit. His condition deteriorated while at the hospital until, on the day after Christmas, he died. He was survived by three grown children. Claims were filed against the hospital and the admitting physician for failure to properly monitor and manage the patient. The case was settled for \$650,000.

\$750,000 Settlement for Mismanagement of Medication

A 79-year-old woman was brought to the emergency room while suffering from a mild heart attack. Staff at the hospital enrolled her in a drug study using a combination of thrombolytic drugs to resolve the clot. However, the woman was given improper dosages, resulting in a stroke and death. She was survived by two adult children. The case was settled for \$750,000.

\$750,000 Settlement for Neglect in Lung Cancer Treatment

A physician failed to timely diagnose a 55-year-old patient with lung cancer. After a suspicious X-ray, the physician neglected to advise the patient and did not follow up. Cancer metastasized, resulting in significantly reduced life expectancy. The case was settled for \$750,000.

\$750,000 Settlement with Law Firm for Dismissal of Wrongful Death Matter

The estate of a deceased 18-year-old filed a wrongful death lawsuit, which was later dismissed by the court as a result of procedural errors. The estate filed a claim against the law firm, which was settled for \$750,000.

\$900,000 Settlement for Misdiagnosis

A 54-year-old man died after being admitted into the hospital for abdominal pain. He was survived by his wife and two adult sons. The plaintiff alleged that the defendants failed to properly diagnose and treat diverticulitis, resulting in colon perforations that led to death. The defendants denied liability. The case was resolved for \$900,000.

\$975,000 Settlement for Misdiagnosis and Negligence

A 72-year-old woman died in the emergency room from a stroke. Her condition was not diagnosed and treated in a timely manner. The woman was survived by her husband and adult daughter. The case was settled at mediation for \$975,000.

\$1.05 Million Settlement for Blood Transfusion Error

A 92-year-old woman received the wrong blood during a transfusion, resulting in her death. The woman was survived by two adult children and a husband who resided in a nursing home due to advanced dementia. The

case was settled prior to filing a lawsuit for \$1.05 million.

\$1.2 Million Settlement for Permanent Brain Damage

A woman suffered profound disabilities as a result of cerebral palsy. She contended that her cerebral palsy was caused by poor medical care at or around the time of her birth. The case was especially challenging because the evidence was more than 18 years old. The case was settled for \$1.2 million.

\$1.25 Awarded for OB/GYN Malpractice

A woman in her late 30s died following a C-section delivery when the OB/GYN failed to detect problems and treat or transfer her to a tertiary care hospital in a timely manner. The defendant denied negligence and claimed that the woman had died from disseminated intravascular coagulation, unrelated to any conduct by the defendant. The Carteret County jury returned a verdict in favor of the woman's two surviving children for \$1.25 million.

\$1.3 Million Settlement Against Nursing Staff

A 48-year-old man died from complications from surgery as a result of a ventilator incident. The man was survived by his wife and two children. The case was settled before filing a lawsuit against the nursing staff at the hospital for \$1.3 million.

\$1.35 Million Settlement for Neglect in Breast Cancer Treatment

A 48-year-old woman died from breast cancer when her physician failed to diagnose her condition in a timely manner. Physicians failed to follow the standard of care with respect to recommendations for mammograms and follow up. The woman was survived by two adult children. The case was tried pursuant to Federal Tort Claims Act because the medical center was federally subsidized. The case was settled shortly before trial for \$1.35 million.

\$2 Million Settlement for Child's Permanent Brain Damage

A 6-year-old child, born in 1992, suffered from mixed cerebral palsy and mild to moderate mental retardation due to brain damage. A suit was filed against the delivering OB/GYN and hospital, alleging mismanagement of Pitocin administration and improper recognition and reaction to fetal distress. The case settled in mediation for \$2 million.

\$2.2 Million Awarded Against Hospital for Infant's Death

Parents sought damages for the wrongful death of their 1-month-old baby, who was in a neonatal intensive care unit. A traveling nurse administered a tube feeding intravenously instead of through the gastric tube, causing death. A medical malpractice verdict with arbitration panel awarded the family \$2 million.

\$5 Million Awarded for Improper IV Placement

After receiving an IV medication infusion in his hand, a patient experienced burning pain and swelling. It was determined that the medication had been improperly infused, missing the vein. The man developed complex regional pain syndrome and had significant medical treatment and permanent sequela. The defendant denied negligence, but the Bertie County jury returned a verdict for \$5 million.