



ON THE RECORD

CLINICAL NEGLIGENCE NEWS

Issue 1 | 2019

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JMW secures £5.85 million for girl whose spinal cord was damaged during birth

A little girl who will be disabled for the rest of her life after her spinal cord was damaged by a doctor during her delivery has been awarded a £5.85 million care package.

The girl, who cannot be identified for legal reasons, suffered severe injury to the upper part of her spinal cord during her birth at Basildon Hospital in Essex. She will have significant care needs for the rest of her life due to her serious disabilities.

The High Court in London approved a settlement of £5.85 million to be paid to her which was negotiated by Eddie Jones, head of clinical negligence at JMW. The money will help her family to provide the care she requires and give the girl some financial security

as her work opportunities are significantly curtailed despite her being very bright.

During her birth the girl became stuck and a locum doctor attempted to deliver her with a ventouse cup, an instrument which is attached to a baby's head to enable doctors to pull them from the birth canal.

After two pulls by the doctor the ventouse delivery was unsuccessful and the girl was delivered via forceps. She spent three days in neonatal intensive care. Once at home it became apparent she had abnormalities with her hand function and as she grew more problems were identified with one of her legs. Tests later revealed that she had damage to the upper part of her spinal cord and will be permanently disabled.

JMW alleged that the ventouse cup was placed in the wrong position and was pulled with excessive force due to the severity of the injury to her spine. In 2016 the hospital trust accepted liability on a 50 per cent basis.

Eddie commented: "This was a very unusual case as it is rare to see such a significant spinal injury caused to a baby during birth. This girl and her family will have to live with the consequences of this for the rest of their lives but at least now they will have some financial help to make the best of a very tragic situation.

"The case highlights why safer births must be promoted as much as possible by maternity units through training and adequate staffing so that the number of children suffering as this girl has can be minimised."

Promotion for Steven Brown

Steven Brown, who has been a clinical negligence solicitor in our team for 10 years, has been promoted to the position of partner.



Steven took up the position of partner from 1 May 2019 reflecting the skills and experience he has gained in his decade at JMW.

Throughout his time at JMW Steven has demonstrated excellent legal technical ability, outstanding client care and consistent dedication

to ensuring the best possible results are achieved. Over the years he has been entrusted with cases of increasing value and complexity and now has a caseload primarily made up of high-value brain and spinal injury claims.

The 2019 edition of the Legal 500 ranks Steven as a Next Generation Lawyer and describes him as a

'highly committed and proactive claimant lawyer'. Eddie Jones, head of medical negligence at JMW, commented: "Over Steven's 10 years at JMW he has consistently proven what an excellent lawyer he is. Steven has demonstrated time and again just how committed to his clients he is through his results and service and that is really a fundamental part of being a partner at JMW. I am delighted that he has risen to the position which is thoroughly well-deserved."

Steven has settled numerous brain and spinal injury cases already and is working to settle many more. In April 2019 he obtained £1 million in compensation for a client who was left with permanent spinal injury cauda equina syndrome due to negligent treatment. He has previously secured £1.5 million in compensation for another cauda equina syndrome client and £1 million for a man who suffered a brain injury due to a delay in diagnosis of stroke.

Park run in support of Tommy's and Ronald McDonald Houses raises £3,660

In March a team from JMW took to Heaton Park bright and early to run in aid of our charities of the year; Tommy's and Ronald McDonald House Charities.

We raised £3,660, which is a fantastic achievement and will provide many nights of accommodation for parents to be close to their children when they are in hospital and fund research that will prevent couples from suffering the tragedy of stillbirth.

The team ran varying distances from 5k, 10k and a half marathon. We were also joined by Adam Powsney, an ambassador for Tommy's and JMW client, who ran with the 10k runners. Everyone completed their run safely and the Manchester weather was even on our side, if not a little windy.

Despite the early start and our tired legs this was a small price to pay in comparison to the parents, families and children who turn to support from

Tommy's and Ronald McDonald Houses, two charities extremely close to our hearts at JMW.

Tommy's funds research into miscarriage, premature birth and stillbirth as well as providing free pregnancy health information for parents-to-be. The work Tommy's has achieved so far is helping to reduce the number of families having to experience the heart breaking loss of a baby and help make pregnancy and birth safer for all.

Ronald McDonald Houses provide free 'home away from home' accommodation for families with children in hospital. This helps to take some of the stress away and allows families to stay close to their child when they're at their most vulnerable and need all the emotional and practical support available. Ronald McDonald Houses have also helped a number of our staff at JMW.

Find out more at www.Tommys.org and www.rmhc.org.uk.



JMW wins two lifelong care packages of £22 million for severely disabled children

JMW has recently secured compensation settlements for two children who suffered severe brain damage due to appalling maternity failures of £22.3 million and £21.86 million.

The girl and boy, who cannot be identified for legal reasons, have cerebral palsy causing significant physical disabilities as well as learning disabilities and behavioural problems. They will require 24-hour specialist care for the rest of their lives and specialist housing. They will never be able to live independently, work for a living or have their own family. Although no amount of money could ever make up for what happened to them, now that they have access to these significant funds the enormous cost of their care will be covered.

The girl was born at St John Hospital Essex. Her brain was starved of oxygen for between 15-20 minutes during her birth as a result of the repeated misinterpretation of the heart rate monitor and the failure to realise she was in distress by the maternity staff responsible for her birth.

Mid Essex Hospital Services NHS Trust admitted in 2014 that mistakes had been made but denied they caused her brain damage. However after ongoing negotiations by JMW, in 2016 the trust accepted liability on an 85 per cent basis.

Melissa Gardner, a partner in JMW's specialist medical negligence team, who represented the youngster in her legal battle, said: "This was a tragic case that was wholly avoidable - yet again it involved CTG traces being misinterpreted, for which this family are paying an awful price."

The boy was born at Musgrove Park Hospital in Somerset, where a catalogue of errors by medical staff resulted in severe trauma to his head. This included a skull fracture and soft tissue injury including brain damage. He also suffered from catastrophic bleeding including a number of haemorrhages

Among the errors and poor judgement of medical staff attending his birth was the incorrect application of forceps to the baby's head, which resulted in severe injuries. Medical staff in addition failed to seek advice from a consultant or more senior obstetrician, with delivery not recognised as potentially complex with significant risk of maternal trauma. His mother was also caused considerable pain due to the failure to provide spinal anaesthetic, thus compromising the chances of the baby being delivered successfully.

Following JMW's intervention, in 2014 Musgrove Park Hospital admitted it was negligent in the care provided, resulting in the boy sustaining significant and irreparable brain injuries.

Angharad Hughes, partner in JMW Solicitors' specialist clinical negligence team who represented the boy in his legal battle, said his care needs are extremely complex so the settlement will ensure that he has the best possible quality of life.

Eddie Jones wins Partner of the Year

Head of our team Eddie Jones won Partner of the Year at the Manchester Legal Awards which were held in March at the Midland Hotel.

Judges said Eddie was 'inspiring yet self-effacing' when he was named the winner out of a whole host of entries from partners at Manchester law firms.

Eddie was convinced to enter by the team at JMW which regularly sees how he goes above and beyond for his clients and JMW as a whole. We are delighted that he was successful and that all his work, and that of the clinical negligence department, achieving life-changing results for children and adults who have suffered devastating injuries has been recognised.

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