

OF COUNSEL

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to clients
and attorneys.

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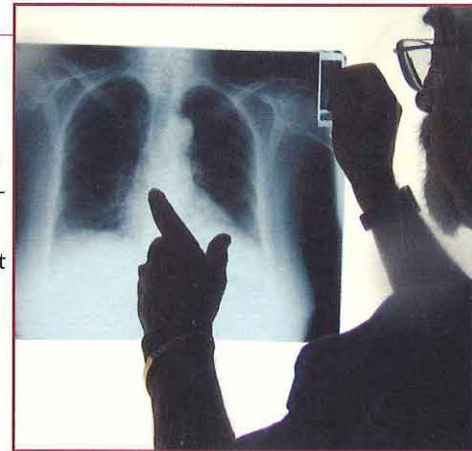
Unreported Chest X-rays Result in Inoperable Cancer

In May 1999, Charlotte Grimm was under the care of a doctor named Freeland Williams, M.D., who referred her to Dr. Elias N. Nasr for a hernia operation. In preparation, Mrs. Grimm was sent for a pre-surgical x-ray, and she was subsequently cleared for the operation. Unbeknownst to Mrs. Grimm and her husband, Darrell, that x-ray report was not placed in Mrs. Grimm's chart before the surgery was performed.

Roughly two years later and unrelated to her hernia procedure, Mrs. Grimm was diagnosed with stage IV lung cancer.

By that time, her cancer had advanced to the point where her doctors predicted that she had less than a year to live. Refusing to give in, Mrs. Grimm underwent extensive treatment in a gallant attempt to survive. Sadly, despite her best efforts, Mrs. Grimm lost her battle with cancer and passed away on October 29, 2002.

Following the diagnosis of cancer, Mr. Grimm became suspicious that his wife's care had not been up to par. He recalled a visit to Dr. Nasr in April of 2002, when Mr. Grimm and his wife told Dr. Nasr about the diagnosis of cancer. During that meeting, Dr. Nasr made mention about a prior x-ray, and began reading a report from his chart. He then suddenly stopped reading, closed the chart, and changed the subject. *Continued on page five.*



Misdiagnosed Shunt Malfunction Results in Death

Attorneys Lance Block and Jim Gustafson recently resolved a medical negligence case for \$2 million involving the wrongful death of a severely disabled 13-year-old girl, who died as a result of an untreated shunt malfunction.

A.L. had hydrocephalus due to spina bifida, a congenital abnormality of the spinal column and central nervous system. Hydrocephalus is an accumulation of excess

cerebral spinal fluid (CSF) within the skull. The excess fluid has no avenue of escape, which causes an increase in intracranial pressure. If untreated, the excess pressure can lead to death.

Treatment for obstructive hydrocephalus usually consists of the surgical placement of a shunt, a tube-like device that drains the excess fluid from the ventricles in the brain to the abdominal cavity, thereby restoring a normal amount of CSF within the skull.

Shunts, however, can malfunction, and health care providers should presume the worst when confronted with signs and symptoms indicative of such. Symptoms of shunt malfunction can include severe headache, nausea, vomiting, lethargy, sleepiness, stiffness and pain in the neck, and abnormal behavior. A child that presents with symptoms of shunt *Continued on page seven.*

**Voter Registration Information
In This Issue!**
FIND OUT HOW AND WHERE
TO REGISTER...
(PAGES 6-7)

ON LINE VOTER REGISTRATION

You can call your local Supervisor of Elections Office and ask them to send you a voter registration application in the mail, or you can also start the registration process online (via the internet).

NOTE: You can not actually register online, but you can start the process by requesting a voter registration application.

SOME HELPFUL WEB SITES TO GET A VOTER REGISTRATION APPLICATION:

■ The League of Women Voters:

www.lwv.org

(then click on "Register to Vote")

■ The Florida Department of State - Division of Elections:

<http://election.dos.state.fl.us>

(then click on "Voter Registration")

■ for Palm Beach County:

www.pbcelections.org

(then click on "Voter Registration")

Be sure to start the process of getting a voter registration application form so that you give your local Supervisor of Elections enough notice to mail you the application form. If you don't hear from the Elections Office within three weeks, call to find out what's happening with your registration.

If your application is complete and you qualify as a voter, the Supervisor of Elections will mail you a voter registration card as official notification of your registration.

*A special thanks to
State Senator Ron Klein's Office
for providing valuable information for the
upcoming General Election.*

Misdiagnosed Shunt Malfunction Results in Death

Continued from page one.

malfunction requires immediate evaluation. The work-up includes a CT scan of the brain and a series of plain x-rays showing the length of the shunt.

An increase in the size of the ventricles of the brain, where CSF emits from the brain, or evidence of an obstruction or disconnection of the shunt should be cause for intervention. Only a neurosurgeon is qualified to rule out and treat shunt malfunction after an appropriate work-up is completed.

In A.L.'s case, her shunt was inserted shortly after her birth. Eight days prior to her death, she was admitted to a local hospital to have a plastic surgery procedure on her lower back for a condition totally unrelated to her shunt. Following that procedure, however, A.L. began complaining of headaches, nausea, and sleepiness. A CT scan showed an increase in the size of her ventricles, and a neurosurgeon was called in to assess her. The neurosurgeon did not perform a shunt revision, and thereafter the nurses did not notify any physicians about A.L.'s complaints of neck pain. A.L. was discharged home on the July 4th holiday. She went to bed that night, and the next morning her parents found her dead.

An autopsy was performed and the medical examiner determined that A.L.'s death, while consistent with the consequences of shunt malfunction, was not due to shunt malfunction. His reasoning and the basis for his opinions, however, were vulnerable on cross examination during his deposition. Plaintiff's liability

and causation witnesses included world renowned experts in neurosurgery, nursing, neuroradiology, infectious disease, forensic pathology, and neuropathology. They concluded that A.L. died as a result of shunt malfunction and that her health care providers were negligent in failing to diagnose and properly treat her condition.

There were no economic damages that could legally be claimed, but A.L.'s parents were devastated by the loss of their 13-year-old daughter.

While A.L. was disabled and had special needs, she was mainstreamed in school, was popular

among her friends and in her community, and was a source of pride and inspiration to her parents and younger brother. According to psychiatric experts on grief- and bereavement-related illnesses, A.L.'s parents both suffered intense and complicated grief responses due to the sudden and unexpected death of their teenage daughter. The experts testified that A.L.'s parents' grief was further complicated because they believed that she suffered from painful headaches and distress before her death. Had reasonable medical care been provided, her unjust death would have been prevented.

The case was settled with both defendants shortly before the scheduled trial date. As a condition of the settlement, the defendant health care providers insisted that their names not be disclosed. ■

\$2 Million Settlement:

NEGLIGENCE IN DIAGNOSING MALFUNCTION OF A SHUNT