

OF COUNSEL

A report
to clients
and attorneys.

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FAMILY AWARDED \$30.6 MILLION FOR CRIPPLING BIRTH INJURIES

**Hospital violated its own
rules and procedures.**

On February 23, 2007, after a six week trial in Lee County, 9½-year-old Aaron Edwards recovered a record-breaking sum of \$30,650,554 for a crippling brain injury he suffered at birth. This catastrophic injury was caused by Lee Memorial Health System's failure to follow hospital rules and regulations during the delivery of Aaron. The medical malpractice case was tried against Lee Memorial by SDSBS attorneys Chris Searcy and Jack Hill on behalf of Aaron and his parents and natural guardians, Mark Edwards and Mitzi Roden. The legal battle has been long and difficult. "This case has been crying out for justice for 9½ years," said Mr. Searcy.

In September 1997, Mitzi Edwards (now Roden) was expecting the birth of her son Aaron and had been admitted to Health Park Hospital, owned and operated by Lee Memorial Health System, for care and treatment by its obstetricians, mid-wives, and labor and delivery nurses. During the course of her labor, and despite Mark and Mitzi's expressed objections, Mitzi was administered the drug Pitocin which is used on occasion to induce or augment labor contractions. The hospital and its medical professionals failed to properly monitor the amount of Pitocin given to Mitzi and her response to the drug. The drug caused Mitzi's uterus to contract so severely and rapidly, and for such an extended period of time, that it robbed Aaron's brain of vital blood flow and oxygen. Following birth, Aaron was diag-



9½-year-old Aaron Edwards

nosed with severe dystonic cerebral palsy, a condition he will have for his entire life. "He has a brilliant mind trapped in a crippled body and with a mouth that won't work," Mr. Searcy said of Aaron.

By Florida state law, the judgment in this case will have to be approved by the Florida State Legislature because Lee Memorial Hospital System is a healthcare conglomerate designated as a special taxing district in Florida. Since the corporation has sovereign immunity protection, judgments for medical malpractice are limited to \$200,000 unless the Legislature approves an award in excess of that amount. Aaron's family faces substantial, life-long expenses caring for a child with permanent brain injury. "We're very confident our lawmakers will conclude that this result is a just one for Aaron and his family, and a beneficial result for the community as well," said Mr. Searcy. *(Continued on page eight.)*

Family Awarded \$30.6 Million For Crippling Birth Injury.

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“Our healthcare system cannot tolerate the kind of egregious malpractice that occurred at Health Park Hospital in September 1997,” continued Mr. Searcy.

Despite irrefutable evidence that Lee Memorial’s rules and regulations were violated, no healthcare provider involved in Mitzi’s labor and delivery has been subsequently punished or even reprimanded.

*“Our justice system
is not an ideal -
it is a living reality.”*

- - Gregory Peck as
character Atticus Finch,
in “To Kill a Mockingbird.”

“Here we have a healthcare institution that claims to have never been successfully sued for malpractice in its history, then refuses to acknowledge such an obvious lapse in care that destroyed a child’s brain and the life of a family,” Mr. Searcy said. “The lack of disciplinary action and reckless disregard for the dangers to mother and baby from over-stimulation with Pitocin, combined with a sense of itself as perfect, created a culture of no accountability to the patient for the past 9½ years. They remained intransigent to any resolution. We refused to let it be buried. Through our justice system, Lee Memorial Health System will finally be held accountable to the patient and the public.” ■