

Recovering Money Damages for OBPIs

by John M. Blume

Most OBPIs are caused by negligence of the person delivering the child. Many families turn to the legal system to obtain funds to pay bills for treatment and to compensate the child for his or her potential disability, pain and suffering.

Blume, Goldfaden has successfully represented over 150 injured children and their parents. We have recovered amounts between \$300,000 to \$2,000,000. To understand why these injuries are often caused by negligence it is necessary to understand the mechanics of the birth process.

As the child comes down the birth canal a shoulder can become trapped behind the mother's pelvis. This is called *shoulder dystocia*. The doctor or midwife may not realize that the shoulder is im-

pacted and pulls on the head of the baby causing the nerves of the brachial plexus to be stretched or pulled from the spinal column.

If a child sustains a BPI at birth parents should promptly consult a law firm with experience in handling these cases. By the time a child is old enough to make a decision to pursue a claim on its own it may be too late due to notice requirements or Statute of Limitations issues, depending on the jurisdiction. Therefore it is important to consult with an experienced lawyer as soon as possible to obtain compensation for the child, for losses caused by the injury and for appropriate medical care.

Handling a BPI case requires extensive medical knowledge and a familiarity with medical literature on the subject. It also requires a law firm with the resources to properly prepare and try the case if necessary. In order to present the case numerous experts must be engaged. For example physicians, nurses, economists, employability experts, therapists, life care planners all may be needed for one case. Although the actual time of participation in the process by the client is not significant, the law firm will be spend many hours and substantial sums of money to prepare a case.

Parents not only have a responsibility to care for a child but also to see that their child is not deprived of its rights. Law firms that handle medical negligence cases generally do not charge for consultations. Almost without exception medical negligence cases are taken on a contingency basis which means that the lawyers only get compensated if they are successful. The compensation or fee is a percentage of the recovery and must be approved by a judge in most jurisdictions.

About the law firm

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