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Welcome
(Bienvenida)
Marién Zalduondo
to our firm.

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MALPRACTICE ■ PERSONAL INJURY ■ WRONGFUL DEATH

November 2008

SALVI, SCHOSTOK
& PRITCHARD P.C.
LAW OFFICES

THE SALVI, SCHOSTOK & PRITCHARD

Newsletter

Dedicated to clients, legal professionals and friends of the Firm.

Principal's Corner

By: Patrick A. Salvi

HALF OF DOCTORS SILENT ON INCOMPETENCE

According to a recent survey conducted by Massachusetts General Hospital and Harvard Medical in Boston and published in the *Annals of Internal Medicine*, nearly half of the 1,600 physicians surveyed in 2003 and 2004 failed to report incompetent or unethical colleagues, even though 96 percent of those surveyed agreed that such mistakes should be reported to the hospital clinic or to authorities. Not only did physicians refrain from telling authorities of significant medical errors, few told patients or relatives the truth, even though 85 percent of doctors said that disclosing this information would have been the right thing to do.

Quite frankly, the Massachusetts General Hospital and Harvard Medical survey confirmed what I and other good Plaintiff Medical Malpractice lawyers across the country have been saying for years; there's a measurable and significant disconnect between what physicians *say* is the right thing to do and what they *actually* do.

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THE TOP STORY

\$15.35 Million DeKalb County (IL) Record Settlement Birth Injury Malpractice as a Result of Institutional Negligence

Michael P. Schostok and Matthew L. Williams secured a \$15.35 million medical malpractice settlement on behalf of a child who suffered a brain injury during birth. This is the largest settlement ever recorded in DeKalb County.



Michael P. Schostok & Matthew L. Williams

The minor Plaintiff, suffered brain injuries as a result of the Defendant physician's alleged negligence in using a vacuum extractor during labor and delivery at Valley West Community Hospital. The Plaintiffs also claimed that the hospital failed to exercise reasonable care in evaluating the Defendant's competency to perform vacuum deliveries. The labor proceeded uneventfully until the physician used a vacuum extractor device to assist in the delivery. Over the next 50 minutes, the doctor used the vacuum device 18 times without success. Another doctor was finally called in to perform an emergency C-section after the infant's fetal heart tones demonstrated distress.

"Hospitals have an independent responsibility for the safety of their patients," said Attorney Michael Schostok. "This duty requires that hospitals use reasonable care to determine the qualifications of doctors on their medical staff. That clearly did not happen in this unfortunate case."

OTHER NOTEWORTHY RESULTS...

\$1,800,000.00 - June 2008
Wrongful Death;
Joliet, IL (**Matthew Williams**)

\$850,000.00 - May 2008
Medical Malpractice;
Oklahoma, OK (**Donald McGarrah**)

\$900,000.00 - June 2008
Personal Injury;
Lake County, IL (**Michael Schostok**)

\$465,000.00 - July 2008
Personal Injury;
Lake County, IL (**Tara Devine**)

VERDICTS AND SETTLEMENTS

\$8 Million Cook County (IL) Medical Malpractice Settlement

David J. Pritchard and Patrick A. Salvi II obtained an \$8 million medical malpractice settlement on behalf of a mother and her child.



David J. Pritchard & Patrick A. Salvi II

After the Plaintiff entered the hospital in labor, an OB Triage nurse immediately began electronic fetal monitoring (EFM) to determine the status of the fetus. The EFM showed signs of fetal compromise including minimal variability and an absence of fetal heart rate accelerations, missed by the OB Triage nurse and by the Nurse Midwife assigned to supervise the OB Triage.

Over the next several hours the EFM worsened to include late decelerations which continued to go unrecognized and unreported by the OB Triage nurses until the fetal heart rate became bradycardic and the House OB called for an emergency C-section. The baby was born with brain damage.

“The facts showed that the nurses failed to recognize the proper warning signs, which could have prevented this tragedy,” said Patrick A. Salvi II.

\$1.9 Million Cook County (IL) Medical Malpractice Settlement

Donald R. McGarrah settled a \$1.9 million medical malpractice case on behalf of a Plaintiff whose son sustained a shoulder nerve injury as a result of their doctor’s alleged failure to properly manage the delivery.



Donald R. McGarrah

At the time of birth, the infant sustained a permanent brachial plexus stretch injury to his right arm. Shoulder dystocia occurs when, after the delivery of the fetal head, the baby’s anterior shoulder gets stuck behind the mother’s pubic bone.

In this case, during the prenatal period, it was determined that the mother had multiple risk factors for the development of shoulder dystocia during labor and delivery. To avoid shoulder dystocia, the Plaintiffs asserted that the baby should have been delivered via a planned C-section.

“Our client had all of the known major risk factors for this complication to occur,” said Donald McGarrah. “We believe that the shoulder dystocia that developed was absolutely foreseeable and thus preventable under the circumstances.”

New Associate to Head Hispanic Outreach

The Firm is proud to announce the hiring of **Marién Zalduondo** as a new associate lawyer. Marién, originally from Puerto Rico, moved to Illinois to attend college at the University of Chicago where she received a B.A. in psychology. She later received her J.D. from the University Of Illinois College Of Law.

“We are excited to have such a talented and diverse young woman joining the Firm,” said **David Pritchard**. “In addition, Marién’s bilingual skills will be a great benefit to our numerous Spanish speaking clients, as well as reaching out to those in the Hispanic community in need of the Firm’s services.”



Marién Zalduondo

PRINCIPAL'S CORNER *(continued from cover)*

Case in point, of those doctors that said they knew of a serious medical error in their hospital group or practice, 31 percent admitted they had done nothing about it at least once.

Why would good doctors not report incompetent peers?

Well, there's the obvious problem that reporting a colleague to a state medical board will likely create an uncomfortable and perhaps even hostile work environment. And, for those doctors brave enough to report a colleague, state medical boards do not act as a "policing agency" for doctors, instead, they only react to complaints. As a matter of fact, many medical boards do not have the resources to improve doctor competency or even punish them. These boards (many without their own teams of investigators) are often under funded and under staffed, which greatly limits their ability to aggressively go after bad physicians.

While most doctors are indeed good people dedicated to the health and well-being of others, the results



Half of the physicians surveyed failed to report incompetent colleagues.

of this survey clearly show that victims of medical errors simply can not count on doctors or state medical boards to identify, review and/or punish incompetence.

When you consider that the National Institute of Medicine estimates that at least 44,000 people and perhaps as many as 98,000 people die in hospitals every year because of medical errors (more than the number who die from car accidents or breast cancer), it appears that the only place for a victim to truly punish a bad doctor and find justice is through the court system.

HIGHLIGHTS

SEPTEMBER - Notre Dame Law School announced that **Patrick Salvi** will teach Personal Injury Litigation in the 2009 Spring semester.

SEPTEMBER - The Firm sponsored a reception honoring Judge George Bridges at The Chicago Metropolitan Club.

AUGUST - The Firm supported the Unlocking Brain Tumors charity golf event. Attorney **Matthew Williams** is a Board member.

JULY - **Patrick Salvi** was a guest lecturer at the Northwestern University's Kellogg Graduate School of Management.

MAY - **David Pritchard** served as Master of Ceremony at the New York Fundraiser for Friends Without A Border and Angkor Hospital for Children.

MAY - **Donald McGarrah** was selected to sit on the Board of Directors for the United Service Organizations of Illinois.

APRIL - The Firm supported the Great Chefs annual dinner for the United Cerebral Palsy Association.

OUR COMMUNITY

Shavon Knox and Stephanie DeVost are so similar, many people who know them call them twins -- even though they are not related. Both are 25-years-old, best friends and live together with Stephanie's mom, Valerie, in North Chicago (IL).

Shavon and Stephanie also share similar disabilities that limit their ability to walk, thus creating a challenge going up and down the steps of their home. Stephanie has Cerebral Palsy, which makes it difficult to control voluntary muscles; and Shvonne has Charcot-Marie-Tooth Disorder, which causes people to lose normal use of their arms and legs.

Fortunately, their mobility increased substantially with the building of a large wooden wheelchair ramp, donated by Salvi, Schostok & Pritchard. The Firm worked closely with the Ramp Up Foundation, an organization affiliated with the United Cerebral Palsy Association of Chicago. To learn more about the Ramp Up Foundation, visit their website at www.ucpnet.org.



Shavon Knox, Valerie and Stephanie DeVost enjoy their new ramp!