



WILSON BROWNE
LLP

CASE STUDY – DAMAGE DURING OPERATION

Scenario

Our client had broken his arm whilst play fighting with a friend. He attended his local Accident and Emergency department straight away and was advised that he had broken his humerus in 3 places. His arm was put in a cast overnight in preparation for an operation the following day. In fact the operation did not take place until 3 days after the initial break.

In the time period between the accident and the operation our client had a full range of movement in his hand. After the operation he immediately noticed that his hand was bent over with a limited range of movement. During the operation to mend his humerus, the surgeon had damaged the radial nerve. This meant our client had to wear a cast for 4 ½ months and was unable to return to work. He needed ongoing physiotherapy and occupational hand therapy. He also had to wear a splint to support his hand. He has since had to retrain in order to find alternative employment, and has had to give up his favourite pastime of martial arts.

Solution

Once all the medical facts and evidence were obtained it became clear that although the delay in operating on the client was not unreasonable, the operation had been carried out to an unacceptable standard of care. Wilson Browne's Clinical Negligence Team presented this medical evidence to the Defendants who admitted that the operation, and not the original break, had caused the clients nerve damage.

Wilson Browne understood the importance of not rushing into a settlement so that the full impact of the damage on the client's life could be assessed. They worked with the Defendants to obtain a report on the future condition and prognosis of the client's injury and how it would continue to affect his daily life. Using this they were able to advise on the best possible settlement for the client.

Outcome

The Defendants made an offer to settle the claim for £50,000 and to pay all of the client's legal costs in October 2007. Wilson Browne advised the client of all his possible options, but ultimately the offer was considered reasonable. The client agreed and accepted the offer in settlement of his claim for damages.

During the course of the claim the client had moved abroad to live. Even after the settlement Wilson Browne worked hard to ensure that the client received the best possible exchange rate for his damages and that they were paid in the most convenient manner.

For further information please contact James Wright on **01536 410041** or by email at **jwright@wilsonbrowne.co.uk**.