



WILSON BROWNE
LLP

CASE STUDY - MISDIAGNOSIS

The Team acted on behalf of a Client who had been wrongly diagnosed as having epilepsy as a child in 1996. The treatment following the diagnosis led to concerns over her physical and mental health and on her social and educational development.

The client had been born with cerebral palsy and was undergoing continual treatment for the effects of this. She was referred to a Consultant Paediatrician for injections to her Achilles tendon to help improve her mobility.

The Consultant Paediatrician, instead of administering the injections, diagnosed her as suffering from epilepsy on the basis of a short observation and without carrying out any tests. She was started on anti-convulsant medication immediately with additional drugs being added throughout. It was argued that these led to up to 6 seizures a day and caused dramatic personality changes. The Client's claim was one of many against the Consultant Paediatrician which are known as the Leicester Childrens Epilepsy Litigation.

The claim was pursued through the Alternative Dispute Resolution process ('the ADR process'). The issues of breach of duty and causation were considered as part of the ADR process. As a result of these discussions quantum could be assessed and sent to the Court for approval.

The issue of breach of duty was clear; however there was some difficulty in assessing causation. It had to be determined whether the side effects the Client had suffered were exacerbated by the anti-convulsant medication or were from the underlying cerebral palsy.

Once it was clear which side effects were attributable to the medication a settlement figure of £30,000 was reached. This figure was awarded on the basis of the case being one of the moderately/ severe cases from the Epilepsy Litigation. Our client has also received a written apology from the Defendants in relation to this matter.

The Team was lead by Christopher J. Smith and he was assisted by his colleague Legal Executive Gaynor King and a Trainee Solicitor of the firm.

This case demonstrates the Teams practical approach to running a case with a vulnerable client and shows their ability to adapt to challenging and unusual legal processes.

For further information please contact Christopher J Smith, Partner at Wilson Browne LLP on **0116 251 7181** or by email at **csmith@wilsonbrowne.co.uk**.