

Behind the Scenes of the Record-Breaking Wrongful Death Medical Malpractice Case in Alabama

Barbara J. Levin, BSN RN ONC CMSRN LNCC
Clinical Scholar Orthopaedic Massachusetts General Hospital
Past President AALNC
Barbara@barbarajlevin.com

Ken Rothfield, MD MBA CPE CPSS
Chief Quality & Medical Officer
Texas Health Arlington Memorial Hospital
KenRothfield@gmail.com

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Conflict of Interest

- We hereby certify, that to the best of our knowledge, no aspect of our current personal or professional situation might reasonably be expected to affect significantly our views on the subject on which we are presenting.

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Objectives

The legal nurse will understand the importance of trial strategy and how to support the attorney.

The legal nurse will learn communication techniques when testifying or preparing an expert for trial.

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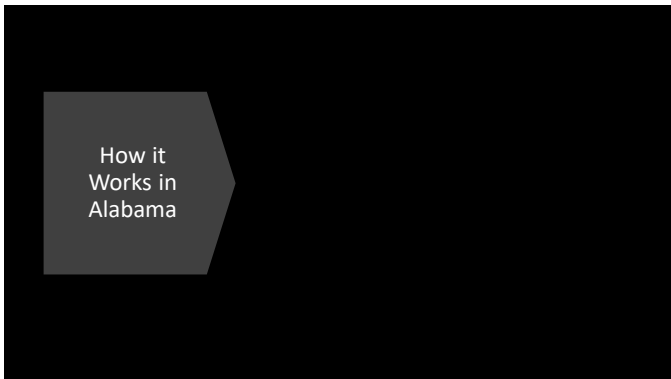


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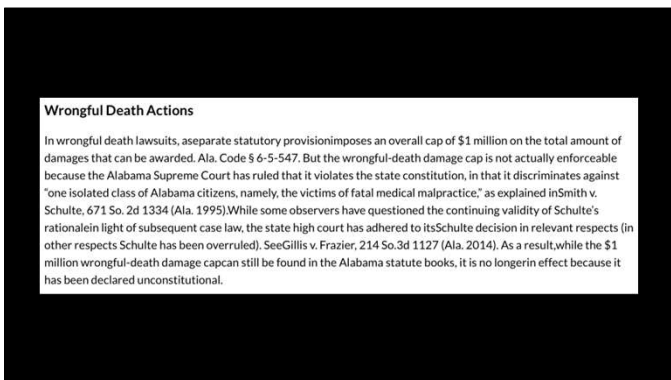
The Medical Facts Were Obvious, But...

- As an expert, if you do your job perfectly, you **may** increase the client's chance of prevailing
- With a single critical mistake, **failure is guaranteed**

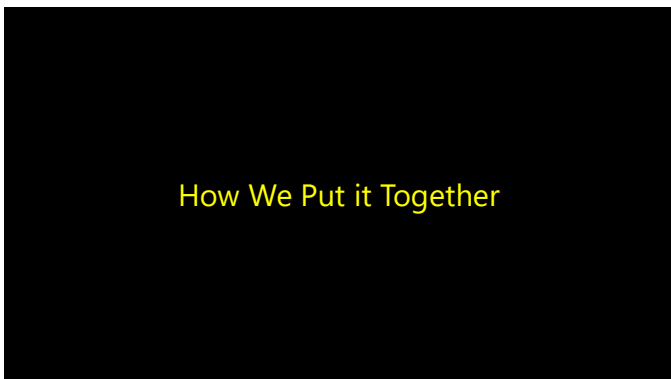
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Hospital Leaders

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Springhill's Hospital's Defense

- Nurse's predicament
- "It was his heart"
- "Pharmacologically impossible"

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Springhill's Challenges

- Nurse predicament
- The missing Narcan
- Hospital CNO's deposition



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Springhill's Experts



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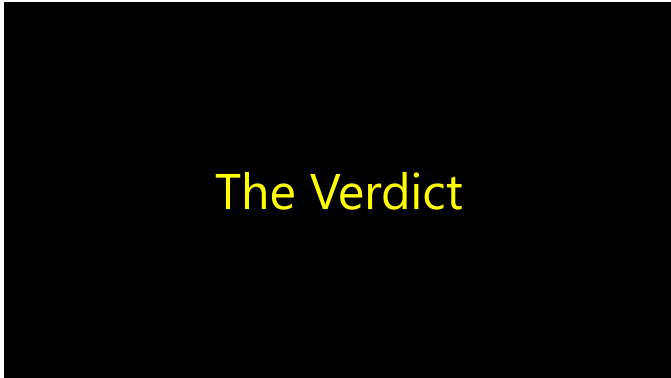
Our Depositions

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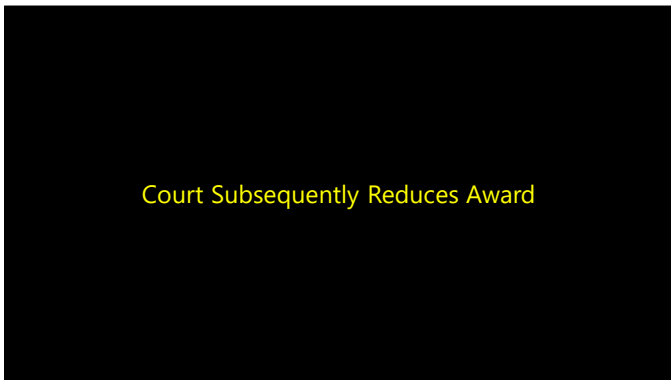
Trial

- Intimidation—A sea of Springhill nurses in the courtroom
- Direct examinations
- Dealing with curveballs during cross examination

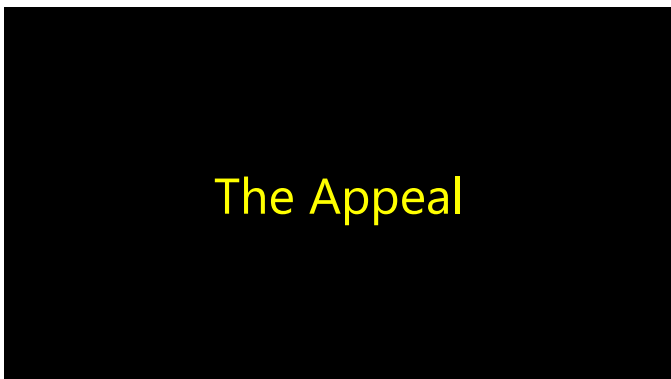
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ARGUMENT

I. This Court should reverse and remand for a new trial.

Springhill identified multiple separate and independent errors that compel a new trial. Plaintiff's efforts to dodge those errors are unavailing.

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II. The cap on medical-liability wrongful-death punitive damages in Section 6-5-547 should be applied.

III. At a minimum, the Court should order a substantial reduction of the \$10 million punitive award.

Based upon the federal due-process guideposts and the state-law remittitur factors, the unprecedented \$10 million punitive award should be reduced to no more than \$2 million.

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CONCLUSION

For these reasons (and for those stated in the Blue Brief), this Court should reverse the judgment against Springhill and order a new trial. In the alternative, the Court should order that the amount of the punitive award is capped at \$2,547,216 under Section 6-5-547, and the Court should further reduce the punitive award to an amount of no more than \$2 million.

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TESTIMONY FROM ANESTHESIOLOGIST
 DR. KENNETH ROTHFIELD

"WELL, IF YOU WERE PLANNING ON KILLING SOMEBODY, THAT WOULD BE A DOSE THAT WOULD BE EXPECTED TO DO THE JOB."



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The Future for Medical Malpractice Litigation in Alabama

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Closing Thoughts and Questions

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