

C-section lawsuit

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A Plaintiff's Verdict: Meador v. Stahler and Gheridian

The \$1.5 million award to a Massachusetts woman and her family in Meador v. Stahler and Gheridian made news as a rare instance of a malpractice judgment based on an **allegedly unwanted and unnecessary cesarean section rather than a failure to perform such an operation.**

The plaintiff, Mary Meador, did not claim that the procedure was negligently performed or that the rare and disabling physical complications that resulted from it (which left her largely bedridden and unable to work or meet her family responsibilities for several years) were foreseeable. Instead, she claimed that the defendant **obstetricians had misrepresented the risks of the alternative procedure (vaginal birth after prior cesarean) and ignored her persistent pleas for this alternative.** Moreover, she alleged, **they compelled her passive assent to the surgery in an emotionally coercive manner while she was progressing normally in labor, despite their having previously agreed to such a trial of labor.**

Because the consequences of the cesarean were unforeseeable, and because Meador had signed a consent form for the surgery (to be used in case of emergency), this case did not meet the technical requirements specified under Massachusetts law for an action based on informed consent. Instead, the case was brought on the theory that **the physicians' failure to obtain the patient's informed consent constituted substandard, negligent medical care.** The forensic psychiatrist's expert testimony emphasized that the **pro forma signing of a consent form did not constitute true informed consent,** especially in light of the physicians' **alleged disregard of the patient's expressed wishes and their inaccurate representation of the risks and benefits of the approach she preferred.**

The psychiatrist also explained to the jury how Meador's life history left her vulnerable to experiencing the **denial of informed consent as a highly traumatic event.** Having coped since childhood with serious illnesses in her family, Meador had viewed doctors and nurses as nurturing figures who helped her gain control of potentially tragic situations. She had learned that choice was still possible even amidst illness and death. She had even been inspired to become a nurse herself and to teach this discipline to others. Thus, when she **experienced a sudden loss of choice and control during childbirth, she reacted with intense fear and horror and felt she had been betrayed by health professionals,** whom she now feared and mistrusted. In this way she lost her accustomed strategy for coping with life. Moreover, having helped hold her original family together in the face of tragic illness, Meador saw the family she had created torn apart by her sudden and devastating loss of control in a medical situation. The jury's

recognition of **the importance of the emotional facts of the case** was highlighted by its awarding almost one-third of the total damages for loss of consortium.

Thus, it was **not simply the physically disabling consequences of the surgery, but the loss of personal decision-making power concerning her body, her health, and the birth of her child, that caused Meador to suffer from Post-Traumatic Stress Disorder**. Similarly, her husband's experience of loss of consortium was exacerbated by **the physicians' failure to consult him to interpret his wife's wishes during labor. Instead of having participated in a true informed-consent process, he was left to feel powerless and helpless**. In this way, forensic psychiatric testimony established a persuasive causal link between the **lack of informed consent and the physical and emotional damages suffered** by the patient and her family.

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