



Rawls Law Group Announces \$6,500,000 Verdict in Virginia Medical Malpractice Lawsuit

RICHMOND, VA, October 28, 2020—Rawls Law Group is pleased to announce that a Richmond, Virginia jury awarded \$6.5 million in a medical malpractice suit relating to surgical errors at Southside Regional Medical Center. The case, *Lenville Hall Sr. vs. Barton P. Smith, M.D. and Tri-City Surgical Associates*, was tried in the Circuit Court for the City of Richmond, Virginia on March 9 -12, 2020. The three plaintiff's attorneys were lead counsel, Brewster S. Rawls (of Rawls Law Group), Wiley J. Latham IV (of Tronfeld West & Durrett), Christopher P. Yakubisin (of Tronfeld West & Durrett).

The verdict is believed to be the largest in Virginia so far this year. Brewster Rawls noted “what happened to Mr. Hall never should have happened – and the consequences for him have been devastating. We are grateful the jury saw this situation for what it was and returned a substantial verdict.”

Plaintiff underwent a right laparoscopic assisted hemicolectomy at Southside Regional Medical Center to remove an early stage colon cancer in July 2016. During the procedure, his right ureter was severed, but the surgeon did not realize it at the time. The severed ureter was not diagnosed for eight days.

Urine accumulated in plaintiff's abdomen during the eight-day period following surgery. Repair surgery was unsuccessful, and a cascade of problems ensued, including infections, multiple nephrostomy tubes, extended hospitalizations and stays in rehabilitation centers. Plaintiff never regained function in the right kidney and eventually lost all kidney function. This resulted in the need for lifetime dialysis.

The liability issues were whether it was negligent for the surgeon to cut the ureter and fail to recognize it during surgery, and whether it was negligent for him to fail to recognize the injury in a timely fashion post-operatively.

Plaintiff's surgical experts testified that severing the ureter during a right colectomy was not simply a complication. The ureter is located in the retroperitoneum, an area behind the colon and the mesentery. The ureter was severed, and a CT scan eight days after the original surgery showed that it was pulled from its moorings – the severed end was actually turned almost 180 degrees from its typical anatomical position. The surgeon should have appreciated that he had injured the ureter at the time of the surgery. One of the experts testified that the post-operative care was deficient. The other restricted his testimony to the surgery itself.

An audit trail expert was used to show that the defendant did not access plaintiff's medical record for four full days after the surgery. Although the signs of a ureteral injury were not dramatic, the surgeon likely missed certain information which could have alerted him to issues with the patient, such as lab results showing impaired kidney function.

On the stand, the defendant testified that the audit trail was incorrect and in fact he had accessed plaintiff's medical record. He had testified in his deposition prior to the audit trail analysis that he had looked at the record every day, which was inconsistent with the later-analyzed audit trail.

Urology and infectious disease experts addressed causation issues and damages. The past medical specials of over \$2,300,000 were uncontested, as were essentially the future medical expenses of \$83,000 per month for dialysis for the rest of plaintiff's life (three to four years).

The defense to the case was that the injury to the ureter during the surgery was just a complication, albeit a catastrophic one. Likewise, the defense claimed that the injury simply did not manifest itself until eight days later, at which time the surgeon appropriately referred the patient to a urologist.

The jury awarded \$6,500,000. The verdict was reduced to the applicable medical malpractice damages cap.

There was no appeal.

About Rawls Law Group

Rawls Law Group is widely recognized for its nationwide vaccination injury practice, representing veterans and military families in medical malpractice claims against the Federal government, and medical malpractice cases in the state of Virginia. To find out more about the cases we handle, please visit us online at www.rawlslawgroup.com.

About Tronfeld West & Durrett

Tronfeld West & Durrett is a personal injury firm located in Richmond, Virginia with additional offices in Mechanicsville, Chesterfield and Petersburg, and its practice extends throughout all of Virginia. The attorneys and staff at Tronfeld West & Durrett are dedicated to pursuing the claims of its clients with the goal of obtaining results by settlement or trial. For more information visit www.twdinjurylaw.com.