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Law

Jury awards \$1.37M for vascular injury

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A Frederick County jury has awarded nearly \$1.37 million to a woman who suffers chronic leg pain and must take a daily dose of blood thinner after a diagnostic test left her with vascular injuries three years ago.

The jury found that Dr. Gerrit J. Schipper's negligent administration of a laparoscopy to determine the cause of Doreen Jarvis' ovarian or abdominal soreness lacerated blood vessels in her left leg.

The lacerations led to emergency surgery to stop the bleeding but left her with a deep vein thrombosis, or blood clot, in her leg and the possibility of more clots.

The jury also found the gynecologist's medical group, Capital Women's Care in Frederick, liable for the doctor's negligence.

The jurors' award of \$1,367,784.04 is expected to be reduced to about \$807,000 due to Maryland's statutory cap on non-economic damages in medical malpractice cases, said Marian L. Hogan, the attorney for Jarvis and her husband, a co-plaintiff in the case.

Non-economic damages, including more than \$315,000 for loss of consortium, accounted for about \$1.2 million of the jury's award. That figure will be reduced by about 45 percent to \$650,000, the cap that was in place when the claim arose in May 2006, Hogan said.

Of the \$156,915.01 in economic damages, \$83,004.16 is for future medical expenses, \$65,186.77 is for prior medical costs and \$8,724.08 is for lost wages.

Despite the expected reduction in the jury's award, Hogan said the verdict sends an important message to the medical community.

"Doctors should take responsibility for their actions," said Hogan, of Nash & Associates LLC in Towson. "They have to face consequences" for their negligence, she added.

Frederick W. Goundry III, who represents Schipper and the medical group, did not return a telephone message seeking comment. Goundry is with Varner & Goundry in Frederick.

The trial concluded last Monday in Frederick County Circuit Court before Judge Julie Stevenson Solt.

Jarvis, then 49, went to Frederick Memorial Hospital for a laparoscopy, an exploratory procedure that involves a small belly incision, on May 10, 2006. Schipper, in performing the laparoscopy, cut arteries and veins in Jarvis' left leg.

Schipper fell short of the standard of care by performing the procedure without "adequate visualization," using excessive force and failing to take adequate precautions to avoid cutting blood vessels, the Jarvises stated in their lawsuit. The medical group was faulted in the lawsuit for having permitted Schipper to perform the procedure negligently.

Vascular specialists were called in to stop Jarvis' bleeding, but she was left with the thrombosis.

To prevent further clotting, Jarvis must wear a compression stocking and take a daily dose of the blood thinner Coumadin.

The drug puts her at risk of severe bleeding during any type of surgery, including dental work.

In the Jarvises' complaint, Jarvis said she "lives in constant fear of having to undergo a minor procedure" and has been told by doctors that additional clots may form in her leg despite her constant wearing of the stocking and daily taking of the blood thinner.

Jarvis and her husband, Robert Jarvis Sr., also named Frederick Memorial Hospital as a defendant when they filed suit in Jan. 2, 2008. Hogan said they chose not to pursue a claim against the facility after concluding, in subsequent discovery, that it bore no responsibility for Doreen Jarvis' injuries.

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