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## Damages

# DAMAGES

BARRY WERTH

"*Damages* is a meticulous, detailed and yet highly readable account of how the lives of one family that suffered a great tragedy intersected with those of doctors and lawyers....An important and powerful book."

— JONATHAN HARR, *A Civil Action*



## **Synopsis**

> is the riveting true story of one family's legal struggles in the world of medicine. At the urging of a friend, the Sabias filed a medical malpractice lawsuit against Dr. Humes and Norwalk Hospital. Barry Werth takes us through the seven-year lawsuit, allowing us to see the legal strategy plotted by the Sabias' attorneys, Connecticut's premier medical malpractice law firm.

## **Book Information**

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## **Customer Reviews**

I spend a great deal of time as a defense lawyer explaining how the system works-- to the associates in my office, to clients, to lawyers from outside the US. "Damages" is going to find its way into a lot of these discussions, and everyone who works for me is going to read it. I am also going to send a copy to my mom. Barry Wirth's book is impressive for the way it gets the law stuff (and the medicine too, I think) mostly dead on, but beyond that, this is also a great read, with interesting, well drawn characters that one ends up caring about. In many ways, "Damages" is a better book than "A Civil Action", which it resembles. The legal tactics are explained, rather than merely used to illustrate the flamboyance of the attorneys. More importantly, the case itself, a so-called "bad baby" case concerning the catastrophic injuries sustained as a result of claimed

medical malpractice, is something anyone who reads a daily newspaper will be able to relate to. The book gives the best picture I have ever seen of how patients become clients, how prospective clients are screened by law firms, how discovery strategies are developed, how cases are evaluated (by both sides) and how settlements are negotiated. I could teach a course around this, and, in fact, I just might. I recommend this book to anyone who has ever wondered how the damage awards they read about in news reports were arrived at, or thought about what the human consequences of a serious injury might be.

This is a wonderful book for anyone involved in the litigation process or anyone involved in the health care field. I am a structured settlement consultant who works with personal injury attorneys and some insurance companies. This is the best book I have ever seen about the process. I have purchased over 200 copies of the book to give to trial attorneys, claims professionals and other structured settlement professionals. All love the book. It reads like a novel. Don McNay...

"Damages" by Barry Werth is a compelling and incisive study of the anatomy of a medical malpractice case, as seen from all sides. A real page turner. Most impressive is the exhaustive and comprehensive work done by the plaintiff's legal firm, and the in depth and understandable explanations by the author of the medical facts, the legal strategies, the context of the times, the world of medical experts, the role of insurance companies, and the lives of those injured. Beautifully written. "An education" is the only phrase that keeps coming to my mind after completing this gem of a book. Read it! You'll learn a lot and it will help you.

This is a thoughtfully-written, highly detailed account of the legal maneuvering that goes on for years, following a disastrous outcome in a hospital's delivery room. The author spent time with the parties involved on both sides of the lawsuit. The reader gets to know the various lawyers as people who had lives prior to going into law. Whether a person works in medicine or not, "Damages" illustrates how a clinician's culpability is not always the most important factor in determining who the plaintiff's lawyers will "go after." Many strategic considerations come into play. We get a behind the scenes look at the experts hired to testify and what the limits of their usefulness are. I highly recommend this book.

I read this book because it took place close to my hometown of Stamford, CT. I just... WOW. I feel terrible that things like this happen, and I am glad this book is out there to give people more

knowledge. I can't get over this book.

I am a legal assistant who has worked on "both sides of the bench" on medical malpractice cases. I do not and never would claim to have the answers to the health care and legal problems of this country. It should be remembered though that not every bad/sad outcome is caused by fault - unexpected does not mean someone is at fault. Dr. Humes was strong-armed into settling her portion of the case. There was no strong proof of causation from her care. The situation had gone south before she became involved in the delivery. After the plaintiffs received the money from her insurance company, they altered their theory of causation to make a case against the hospital (the "deep pockets"), essentially cancelling a lot of the allegations against Dr. Humes. Causation by the hospital was very weak, as was the alleged failure to meet the standard of care, and most likely, even if all alleged failures hadn't happened, the outcome would have been the same - one baby who died and one who was very compromised. Plaintiffs relied upon a very specific time line scenario that neither side wanted to allow a jury to consider. This was truly an incredibly sad situation, however, it was also a situation where the medicine did not resolve the matter. Fear of a jury decided the outcome.

This is a fascinating story of real life in medicine and law, well told. However, it will leave you believing that the legal system is an terrible way to resolve questions about the quality of medical care. It is so vividly and accurately told that it also left me wondering whether the doctors and lawyers on either side of this heartbreakin conflict really cared what the truth was.

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