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Injured at the Hospital...How Do I Prove My Case?



August 10, 2006, started off as a typical Sunday for Mr. Bodine. He had just gotten out of church - playing his guitar in the church choir. Not only did Mr. Bodine love playing his guitar, but he was proud of playing his guitar on Sundays at his church.

Leaving the church, he traveled home with his brother-in-law and fellow church member to relax for the rest of the day. Unbeknownst to him, his life was about to change in an instant. Out of nowhere - a driver broadsided the vehicle Mr. Bodine was a passenger in.

He was rushed to the emergency room for treatment. His blood pressure was elevated. He had severe pain in his back, chest and right shoulder. The emergency room doctors



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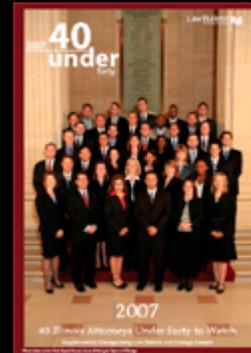
ordered a routine cat scan with contrast dye to rule out any broken bones and determine the source of his chest complaints.

While in the CT room, Mr. Bodine was given an IV in his left arm that went subcutaneous. His arm began to balloon up quickly after receiving the IV. **During the administration of the contrast dye** (a substance used to provide doctors a contrast between what they are observing by making a temporary more visible backdrop), **the needle used to deliver the dye was not inserted properly into Mr. Bodine's vein.** Mr. Bodine protested to the technician, reporting pain, but was ignored. Despite his protesting and contrary to the standard of care, the technician continued the process, administering a full dose of the dye into his skin rather than in his vein.

Throughout the night, Mr. Bodine tossed and turned - his arm was cold and swelling and he was in a lot of pain. The IV infiltrate was getting worse. After 12 hours of neglect, Mr. Bodine was finally seen by a hand surgeon. Within fifteen minutes of seeing him, the surgeon ordered an emergency fasciotomy surgery.

When an IV infiltrates under a person's skin because it has not correctly gone into the vein, the limb will swell, often times resulting in necrosis or dead skin due to the pressure buildup. At that point, the only way to relieve the pressure and stop the tissue necrosis is to have the limb cut open and left open to allow the swelling to go down. This is called a fasciotomy, which often leaves a horrific zig zag scar.

Recently, Yao Dinizulu of the Dinizulu Law Group, Ltd. was successful in having summary judgment granted in such a case. Summary judgment is a



procedural process of determining whether an issue or even an entire legal case should be disposed of as a matter of law. It is well known that summary judgment is uncommon in negligence cases. Summary judgment, however, is even more exceptional in medical malpractice cases, because an expert opinion is required to sustain that there was a breach of the standard of care. When you have two dueling experts on the appropriate standard of care and whether there was a deviation from that standard, the courts will not decide as a matter of law who is right-that issue will go to the trier of fact.

So how does a plaintiff win summary judgment?

Many healthcare corporations have begun to replace Registered Nurses (RNs) with Licensed Practitioner Nurses (LPNs) and/or Certified Nursing Assistants (CNAs), who are cheaper to employ, often less experienced, and have minimal training. Furthermore, an RN has a heightened duty with regard to patient safety.

According to the California Nurses Association, ***"Perhaps most critical to patient safety is the independent authority of an RN. In an era when so many healthcare corporations place economic goals ahead of quality care, the RN is specifically ordered to protect the safety and well-being of the patient regardless of the economic interest of the employer."***

At a deposition, nurses unlike many physicians, are less likely to contest what the standard of care is or what the medical community states the minimum level of care a patient should receive. Furthermore, in some rare cases nurses may be more likely

to admit that the care provided was not up to the minimum standards expected in the medical community. **Through skilled counsel, a plaintiff is more likely to get the proper standard of care acknowledged and that there was a deviation from acceptable practices in the care provided a patient.**

The admission of a nurse to a breach of acceptable practices in the medical community will likely be considered an admission of the employer in many cases the Hospital. **With this testimony you now have your ammunition for a motion for summary judgment.**

Chicago Crosswalks....A Danger Zone?



According to a new city study, about 80 percent of vehicle-pedestrian crashes in Chicago occur at intersections and commonly involve people crossing the street with the walk signal.

The exceptionally high rate of pedestrians being struck, predominantly by turning vehicles, while they are inside the presumed safe haven of crosswalks was an unexpected finding that will prompt increased police enforcement of the No. 1 cause of pedestrian accidents - drivers failing to yield.

The city's most detailed analysis of crashes to date revealed a rising number of hit-and-runs as well as other alarming trends over a five-year period, touching all parts of Chicago from the Magnificent Mile to some of the poorest and most crime-plagued neighborhoods.

A band of areas extending from the Loop and Near North Side on the east to the Austin neighborhood on the west showed the highest number of pedestrian crashes. A 2-mile stretch of 79th Street contained four of the top 20 crash intersections. A total of 12 high-crash corridors were identified in Chicago neighborhoods, information that city officials plan to use to tame unsafe streets.

Vehicle-pedestrian crashes still number about 3,000 a year in Chicago. The study found that 78 percent of all crashes and 80 percent of fatal and serious crashes occurred within 125 feet of the midpoint of an intersection - at crosswalks or nearby.

A 2010 state law requires drivers to stop for pedestrians in crosswalks. The previous law required drivers to yield and stop when necessary.

New DLG Reception Photos!



DLG's 2011 Community and Client

Appreciation Reception was a hit!

We appreciate everyone for coming out and helping to make it such a successful event.

Thank you to SideBar Grille for providing the appetizers; Alliance Bakery for hand-crafting our cake; and Buddies Liquors for providing the refreshments.

[Check out the photos from the event here!](#)

DLG Law School Lecture Series



Attorney Yao Dinizulu will be heading out on a lecture series at several law schools in the Chicago area to teach law students how to run a practice.

According to the American Bar Association, more than 60% of lawyers in the US are solo practitioners, yet there is a scarcity of help for young lawyers to learn how to create and sustain their practices.

Check our [Facebook fanpage](#) for more details of dates and locations.

If you're a law student or administrator and want us to come visit your school, e-mail Melissa Soria at soria@dinizululawgroup.com.

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